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# THE ECCLESIASTICAL REVIEW

FIFTH SERIES.—VOL. VII.—(XLVII).—SEPTEMBER, 1912.—No. 3.

## STUDIES IN AMERICAN PHILOSOPHY.

### IV. The Modern Schools: Evolutionism.

EVOLUTION! The magical word thrilled the world two generations ago as no scientific discovery or philosophical system ever did before. Whilst the abstruse doctrines of Kant and the neo-Kantians appealed only to the intellectual élite, here was a theory that, reduced to its simplest expression, appealed also to the man in the street, with only a smattering of knowledge.

Its few and simple laws, easily intelligible; its all-embracing claims, including, as they did, an account not only of the world and man, but of the far-away heavenly bodies, of the whole cosmos in fact, opened such wide vistas before the human mind, that it was momentarily dazzled by the all-inclusive sweep of its vision. Taking airily for granted its subjectively evolved theories, it soon lost sight of the fact that in evolution it was dealing with an hypothesis, plausible indeed for the nonce, but one that needed to be objectively tested and established. Too often its language became colored with emotion, when admiring its deep insight, its now indisputable omniscience.

Fully confident that they had at last discovered the philosopher's stone, the enthusiastic followers of Spencer and Darwin flung out their challenges, as the bold knights-errant of science, in the face of antiquated knowledge and religious superstition.

For our nineteenth century it is just the change, the flow, the growth of things, that is the most interesting feature of the universe. Old-fashioned science used to go about classifying things. There were live things and dead things; there were classes, orders, families, genera, species, all permanent facts of nature. . . . And the dignity of human nature lay in just this its permanence. . . . Valuable indeed was all this unhistorical analysis of the world and of man, valuable as a preparation for the coming insight; but how unvital, how unspiritual, how crude seem to us now all these eighteenth century conceptions of the mathematically permanent, the essentially unprogressive and stagnant human nature, in the empty dignity of its unborn rights, when compared with our modern conceptions of the growing, struggling, historically continuous humanity, whose rights are nothing until it wins them in the tragic process of civilization, whose dignity is the dignity attained as the prize of untold ages of suffering, whose institutions embody thousands of years of ardor and of hard thinking, whose treasures even of emotion, are the bequests of a sacred antiquity of self-conquest! [1]

Thus was the new philosophy invested on all sides with a dignity which was wholly factitious, and which appealed more to the sentimental side of man than to his calmer intellectual judgment.

Like all great systems, the doctrine of evolution must be regarded, not as the special creation of some isolated thinker, be he Spencer or Darwin, but as the product of a slow growth. It had its rise in a twofold interest.

Idealism, losing itself in transcendental speculations about our knowing faculties, was no longer in touch with the scientific facts revealed by observation; it could neither point nor lead to any valuable discoveries in the material universe, when they pressed to the fore in rapid succession. Post-Kantian idealists had inaugurated an age for which the processes of the world were primarily spiritual processes, gradual unfoldings and manifestations of the absolute, revealing and integrating itself in and through them. But when the heyday of their dazzling *a priori* constructions had passed, there manifested itself a strongly empirical interest, born of a dread of the extravagances of the idealistic period, the product of

[1] *The Spirit of Modern Philosophy*, Josiah Royce; Houghton, Mifflin & Co., 1897, pp. 274-275.

a hard-learned lesson in caution, the embodiment of an unwillingness to take phantom for truth.

Hence, on parallel lines with the current of idealism, there started a current of speculation intent on studying not so much the mind and the laws that govern its faculties, as the objective realities to which this knowledge is applied. Fragments were contributed from different sources, and Spencer gave them a common basis in the laws of Evolution which he elaborated.

Sir Charles Lyell, the English geologist, had shown in 1830 how enormous effects are wrought by the cumulative action of slight and unobtrusive causes. For the catastrophes which the early geologists had conceived he substituted relatively uniform natural processes, whereby, as they worked through long ages, the earth's crust had been slowly modified. On the basis of this uniformitarian geology a doctrine of the transformation of species began to look more reasonable.

The credit for the complete theory of evolution, however, belongs entirely to Herbert Spencer. Sometimes Spencer is supposed to be chiefly a follower and expounder of Darwin. No doubt this is because so many people mix up Darwinism with the doctrine of evolution, and have rather vague and hazy notions as to what it is all about. Darwin's great work was the discovery of natural selection and the demonstration of its agency in effecting specific changes in plants and animals. In that work Darwin is completely original: he showed not so much that there is evolution in the world, but how evolution is effected within the sphere of life. But plants and animals are only part of the universe; and with regard to universal evolution, or any universal formula for evolution, Darwinism had little to say. The discovery of a universal formula for evolution and the application of this formula to many diverse groups of phenomena in the organic as well as the inorganic world, have been the great work of Herbert Spencer. Spencer did not even get his clue from Darwin, for the *Origin of Species* was published only in 1859. True, toward the end of this volume Darwin looked forward toward the distant future when the conception of gradual development might be applied to the phenomena of intelligence; but this was several years after Spencer had

enunciated many of his own ideas in various magazines and especially in his *Principles of Psychology*, published in 1855.

Spencer got his clue from the great German embryologist Karl Ernst von Baer (1792-1876), who published his *Entwicklungsgeschichte* in 1829. His conclusion was that the ovum is a structureless bit of organic matter. In acquiring structure along with its growth in volume and mass, it proceeds through a series of differentiations, and the result is a change from homogeneity to heterogeneity.

Proceeding further, Spencer held that the change from homogeneity to heterogeneity is accompanied by a change from indefiniteness to definiteness. In other words, integration is as much a feature of development as differentiation: the change is not simply from a structureless whole into parts, but is from a structureless whole into an organized whole. And this is what we call an organism.

There remained however the yawning chasm between organic and inorganic matter. Spencer bridged it without hesitation: the growth of organization is essentially a particular kind of redistribution of matter and motion. This redistribution of matter and motion is going on universally in the inorganic world: from the simple elements of nature there is a gradual and continuous ascent toward the complicated living organism.

Finally, the psychical phenomena of instinct, memory, reason, emotion, and will, are shown to have arisen by slow gradation. Although mind is evolved from matter, Spencer refuses to be called a materialist; for he maintains that you could not deduce mind from the primeval nebula unless the germs of mind were present already. All he claims to show is that mental philosophy can no longer confine itself to mere introspection of the adult human consciousness: it must deal with the whole range of psychical phenomena as manifestations of organic life; it must deal with them genetically and show how mind is constituted in connexion with the experiences of the past.

The universal inclusiveness of this system leaves no nook or corner in the natural or speculative sciences that is not affected by the doctrine, not even the field of religion.

With regard to religious dogmas Spencer himself preserves, he thinks, a respectful attitude. He grants that "from the beginning religion has had the all-essential office of preventing men from being wholly absorbed in the relative or immediate, and of awakening them to a consciousness of something beyond it."[2] There have of necessity been changes from a lower creed to a higher; and, speaking generally, the religious current in each age and among each people has been as near an approximation to the truth as it was then and there possible for men to receive.[3] And if science is the enemy of superstitions that cloak themselves with the name of religion, it is not the enemy of essential religion, which the superstitions darken. Doubtless in the science of to-day there is an irreligious spirit, but not in the true science, which, not stopping at the surface, penetrates to the depths of nature. With regard to human traditions and the authority that consecrated them, true science maintains a lofty attitude; but before the impenetrable veil that hides the absolute, it humbles itself. The sincere philosopher alone can know how high, not only above human knowledge, but above human conception, is the Universal Power whereof nature, life, thought, are manifestations.

The great vogue enjoyed by Spencer[4] and his followers in this country was due very very largely to this, that their tenets were seemingly based on tangible scientific facts,—and science was the idol at whose altar everyone pretended to worship.

The early recognition by Emerson of evolution as the plan of the universe in his first book and everywhere in his prose and verse has often attracted notice. "The facts of astronomy and the nebular hypothesis early delighted him. The poetic teachings of the ancient philosophers, especially 'The Flowing of the Universe' by Heraclitus and the 'Identity' by Xenophanes, and others, prepared his mind. He had undoubtedly early read of Leibniz's 'scale of being' from minerals through plants to animals, from monad to man; and from Coleridge he knew something of the speculations of Schelling and Oken. When Lyell's book on Geology came out,

[2] H. Spencer, *First Principles*, p. 92; Rand, McNally & Co. edition.

[3] Ibid., p. 105.

[4] His American editors sold three times as many copies of his works as did his British editors. Van Becelaere, op. cit., p. 121.

it was read by Emerson, and in it the ideas of Lamarck first published in 1800 were mentioned. Emerson probably came on them there." [5] Yet, he never took to Spencer's interpretation of the doctrine, based, as it claimed to be, on facts. He preferred to adhere to the interpretations his own fancy suggested, which gave him a freer scope to indulge his favorable flights of poetic imagination. Nay, in a moment of temper he once declared Spencer to be "nothing better than a mere stock writer who writes equally well upon all subjects." [6]

John William Draper (1811-1882) was amongst the first in America to profess allegiance to the doctrine of evolution. Professor of Medicine in the University of New York, and an authority on the then developing science of chemistry, he has left no connected exposé of his philosophical creed. But he was a typical example of the narrow-minded scientific "specialist", who cannot see beyond the confines of his own particular branch. And in the case of Draper that defect of an irretrievably warped mentality was emphasized by a blind and stubborn opposition to Catholicism. What he wrote of Luther may be applied to his own case: "The vilification which he poured on Roman Catholics and their doings was so bitter as to be ludicrous." [7]

Already in his *History of the Intellectual Development of Europe* [8] he had freely given vent to these ideas; but he elaborated them *ex professo* in a subsequent volume, *History of the Conflict between Religion and Science*.[9] He took for granted that there must of necessity be opposition between the two. He worshipped "Science" with idolatrous fervor; he saw "that a divine revelation must necessarily be intolerant of contradiction," [10] but failed to see that any system of truths,

[5] Emerson's Compl. Works, Edit. Houghton, Mifflin & Co., 1904; Nature, Biogr. Sketch by E. W. Emerson, pp. xxv-xxvi.

[6] *Outline of Evol. Philosophy*, by Dr. M. E. Cazelles, translated by O. B. Frothingham, Appendix by E. L. Youmans, M.D.; New York. D. Appleton & Co., 1875, p. 117.

[7] "The vilification which was poured on Luther and his doings was so bitter as to be ludicrous." J. Wm. Draper, *History of the Conflict between Religion and Science*, 5th ed., New York, D. Appleton & Co., 1875, p. 296.

[8] London, 1863, 2 vol.

[9] One of the volumes of the International Scientific Series, D. Appleton & Co., New York, 1875.

[10] *Conflict between Religion and Science*, op. cit., p. vi.

scientific as well as religious, must be intolerant if it is not to degenerate into an Arabian Nights' tale. What would the Copernican system amount to if it were not a scientific dogma? What would evolutionism amount to if, speaking from the viewpoint of its adepts, it were not scientifically unassailable? The author claims to have written his book in an impartial spirit; but nowhere is there any reference to historical sources, and now it has only the value of a literary curiosity, showing how an otherwise keen mind, seemingly without any interested motives, can become obsessed by fixed ideas.[11]

The influence of Draper does not seem to have been deep or lasting. That of Edward Livingstone Youmans (1821-1887) was both.

One evening in 1860 as Youmans was calling at a friend's house in Brooklyn, the Rev. Samuel Johnson of Salem handed him the famous prospectus of the great series of philosophical works which Spencer proposed to issue by subscription. The very next day Youmans wrote a letter to Spencer offering his aid in procuring American subscriptions and otherwise facilitating the enterprise by every means in his power. With this letter and Spencer's cordial reply began the lifelong friendship between the two men. As long as he lived, Spencer had upon this side of the Atlantic an *alter ego* ever on the alert for the slightest chance to promote his interests and those of his system of thought.[12]

[11] A few extracts will suffice to give an idea of the author's state of mind: "In the Vatican—we have only to recall the Inquisition—the hands that are now raised in appeals to the Most Merciful, are crimsoned. They have been steeped in blood" (p. xi). "When Halley's Comet came in 1456 it was necessary for the Pope himself to interfere. He exorcised and expelled it from the skies. It slunk away into the abysses of space, terror-stricken by the maledictions of Callixtus III, and did not venture back for 75 years" (p. 269). "Whenever, says the Bishop Alvara Pelayo, I entered the apartments of the Roman Court clergy, I found them occupied in counting up the gold-coin, which lay about the room in heaps" (p. 276). "The Protestants designed to bring back Christianity to its primitive purity, and hence, while restoring the ancient doctrines, they cast out of it all such practices as the adoration of the Virgin Mary and the invocation of Saints. The Virgin Mary, we are assured by the Evangelists, [note the pitiful cocksureness of the assertion] had accepted the duties of married life and borne to her husband several children. In the prevailing idolatry she had ceased to be regarded as the carpenter's wife; she had become the Queen of Heaven and the Mother of God" (p. 298).

[12] *A Century of Science*, John Fiske; Houghton Mifflin & Co., 1899, pp. 88, 92.

Youmans' only published volume of philosophical import is a work on education, *The Culture demanded by Modern Life*,[13] a series of addresses and arguments on the claims of scientific education. His literary activity found an outlet especially on the lecture platform. In 1868 he began his career as lecturer, and soon made a name for himself as one of the ablest expounders of Spencer's unified conception of nature. "As a lecturer Youmans was absolutely unconscious of himself, simple, straightforward and vehement, wrapped up in his subject, the very embodiment of faith and enthusiasm, of heartiness and good cheer. In hundreds of little towns all over the land did his strong personality appear, make its way, and leave its effects in the shape of new thoughts, new questions and enlarged hospitality of mind, among the inhabitants. The results of all his efforts are surely visible to-day, for in no part of the English-speaking world has Spencer's philosophy met with such a general and cordial reception as in the United States." [14] Youmans was truly " the interpreter of science for the people ".

In furtherance of this end he also set on foot the publication of " The International Scientific Series ",[15] a collection of popular treatises by the foremost scientists of the day. And finally in 1872 he established *The Popular Science Monthly*. He believed that the mind of the people is not educated by dumping into it a great unshapely mass of facts, but that it needs to be stimulated rather than crammed. Hence he wanted a scientific magazine which would present articles from all quarters, and which should deal with the essential conceptions of science in such a manner that they may be read and understood " by him who runs ". That he gauged the popular attitude aright is shown by the fact that his magazine is still doing the work he intended for it. All opinions of scientific, philosophical, or religious interest have found expression in its pages, the last named being always treated with the understanding that " in the world to which we are coming there will neither be a place nor a use for orthodoxies ".

[13] It was not an original work, but a compilation by Youmans of addresses by Spencer, Tyndall, Huxley, etc. New York, D. Appleton & Co., 1873.

[14] *A Century of Science*, John Fiske, op. cit., p. 86.

[15] Some fifty volumes were published, all by D. Appleton & Co., New York.

Perhaps the greatest American expounder of the evolutionary philosophy in all its aspects was John Fiske (1842-1901),[16] who, being the master of an extremely lucid and attractive style, was also a thinker of great acuteness and depth. He knew how to mould the doctrines of Spencer and Darwin in a popular form. He surrounded them with fresh and vivid illustrations, pointed out their bearings upon great practical questions of the day; and in his theory about the influence of prolonged infancy on the social development of man made an original contribution to evolutionistic philosophy.

Fiske repeatedly disclaims that evolution is in any way materialistic or atheistic, and he takes Prof. Häckel severely to task for his blatant assumptions. He sums up Häckel's doctrines in the following theses:

1. The general doctrine of evolution appears to be already unassailably founded; 2. thereby every supernatural creation is completely excluded; 3. transformism and the theory of descent are inseparable constituent parts of the doctrine of evolution; 4. the necessary consequence of this last conclusion is the descent of man from a series of vertebrates; 5. the belief in an immaterial soul and in a personal God are herewith completely ununitable (*vollig unvereinbar*).

And then Fiske continues:

Now, if Prof. Häckel had contented himself with asserting that these two last beliefs are not susceptible of scientific demonstration, if he had simply said that they are beliefs concerning which a scientific man in his scientific capacity ought to refrain from making assertions, because science knows nothing whatever about the subject, he would have occupied an impregnable position. . . . To a materialist the ultimate power is mechanical force, and psychical life is nothing but the temporary and local result of fleeting collocations of material elements in the shape of nervous systems.

Into the endless circuit of transformations of molecular motion, says the materialist, there enter certain phases which we call feelings and thoughts; they are parts of the circuit: they arise out of motion

[16] *Outlines of Cosmic Philosophy*, 2 vol., 1874; *The Unseen World and Other Essays*, 1876; *Darwinism and Other Essays*, 1879; *The Destiny of Man*, 1884; *Excursions of an Evolutionist*, 1887; *The Idea of God as Affected by Modern Knowledge*, 1887; *E. L. Youmans, Interpreter of Science for the People*, 1894; *A Century of Science and Other Essays*, 1899; *Through Nature to God*, 1899; *Myths and Mythmakers*, 1900.

of material molecules and disappear by being transformed into such motion. Hence, with the death of the organism in which such motions have been temporarily gathered into a kind of unity, all psychical activity and all personality are *ipso facto* abolished.[17]

There are those that say in their hearts: "There is no God", and congratulate themselves they are going to die like beasts. They lay hold of each new discovery of science that modifies our views of the universe, and herald it as a crowning victory for materialism,—a victory which is ushering in the happy day when atheism is to be the creed of all men. It is in view of such philosophizers that the astronomer, the chemist, the anatomist, whose aim is the dispassionate examination of evidence, and the unbiased study of phenomena, may fitly utter the prayer: Lord, save me from my friends.[18]

For Fiske does not believe that there can be any possible conflict between religion and science. Is it not obvious, he says, that since a philosophical system must regard divine powers as the ultimate source of all phenomena alike, therefore science cannot properly explain any particular group of phenomena by a direct reference to the action of the Deity? Such a reference is not an explanation, since it adds nothing to our previous knowledge either of the phenomena or of the manner of divine action. The business of science is simply to ascertain in what manner phenomena coexist with each other, or follow each other, and the only kind of explanation with which it can properly deal is that which refers one set of phenomena to another set. In pursuing this its legitimate business, science does not touch on the province of theology in any way, and there is no conceivable occasion for any conflict between the two.[19]

On the contrary, as Fiske sees it,

the result of the whole is to put evolution in harmony with religious thought, — not necessarily in harmony with particular religious dogmas or theories, but in harmony with the great religious drift, so that the antagonism which used to appear to exist between religion and science is likely to disappear. If you take the case of some evolutionist like Prof. Häckel, who is perfectly sure that materialism

[17] *A Century of Science*, p. 55. Also, *Darwinism and Other Essays*, p. 49, ff., and p. 62 ff.

[18] *The Idea of God*, p. 43-44.

[19] Ibid., p. 101-102.

accounts for everything (he has got it all cut and dried and settled; he knows all about it so that there is really no need of discussing the subject!), if you ask the question whether it was his scientific study of evolution that really led him to such a dogmatic conclusion, or whether it was that he started from some purely arbitrary assumption, like the French materialists of the eighteenth century, I have no doubt the latter would be the true explanation.[20]

Fiske takes for granted the fundamental theories of Spencer and Darwin. He considers them as solidly established as any scientific theory can be: "There is no more reason for supposing that their conclusions will ever be gainsaid, than for supposing that the Copernican astronomy will some time be overthrown and the concentric spheres of Dante's heaven reinstated, in the minds of men." [21] They form the basis of his own philosophical system, in which his original contribution about the influence of prolonged infancy is worth while examining.

Darwin in his *Descent of Man* did not, so Fiske holds, solve the question of the origin of man. In his work on *The Origin of Species* he undertook to point out a *vera causa* of their origin, and he did it. In his *Descent of Man* he brought together a great many minor generalizations which facilitated the understanding of man's origin. But he did not even come near to solving the problem; nor did he anywhere show clearly why natural selection might not have gone on forever producing one set of beings after another, distinguishable chiefly by physical differences. But Darwin's co-discoverer, Alfred Russell Wallace, at an early stage in his researches, struck out a most brilliant and pregnant suggestion: that in the course of the evolution of a very highly organized animal, if there came a point at which it is of more advantage to that animal to have variations in his intelligence seized upon and improved by natural selection, than to have physical changes seized upon, then natural selection would begin working almost exclusively upon that creature's intelligence, and he would develop in intelligence to a great extent, while his physical organism would change but slightly. And this applies especially in the case of man, who physically

[20] *A Century of Science*, pp. 115, 116.
[21] *Destiny of Man*, p. 20.

is changed but little from the apes, whilst intellectually he is separated from them by a stupendous chasm. Those accumulations of slight variations have brought about, in the case of man, a difference in kind, transcending all other differences.[22] Henceforth the dominant aspect of evolution was to be, not the genesis of species, but the progress of civilization.[23]

And if there is any one thing in which the human race is signally distinguished from other mammals, it is in the enormous duration of infancy. The infancy of the animal is in a very undeveloped condition, with the larger part of its faculties in potentiality rather than in actuality; this is a direct result of the increase of intelligence. First natural selection goes on increasing the intelligence, and secondly, when the intelligence goes far enough, it makes a longer infancy: a creature is born less developed, and therefore comes this plastic period during which he is more teachable. The capacity for progress begins to come in, and you begin to get at one of the great points in which man is distinguished from the lower animals; for one of these great points undoubtedly is his progressiveness. And I think that anyone will say with very little hesitation that if it were not for our period of infancy, we should not be progressive.

Then looking around to see what are the other points that are most important in which man differs from the lower animals, there comes the matter of the family. The family has adumbrations and foreshadowings among the lower animals; but in general it may be said that while animals lower than man are gregarious, in man have become established these peculiar relationships which constitute what we know as the family. And it is easy to see how the existence of helpless infants would bring about just that state of things. The necessity of caring for the infant would prolong the period of maternal affection, and would tend to keep the father and mother and children together. Real monogamy, real faithfulness of the male parent belong to a comparatively advanced stage. But in the early stages the knitting together of permanent relations between mother and infant, and the approximation toward steady relations on the part of the male parent came to bring about the family and gradually to knit those organizations which we know as clans.

The instant society becomes organized in clans, natural selection cannot let these clans be broken up and die out; the clan becomes the chief object or care of natural selection, because if you destroy it,

[22] *A Century of Science*, p. 104.

[23] *Destiny of Man*, p. 31.

you retrograde again, you lose all you have gained. Consequently these clans in which the primeval selfish instincts were so modified that the individual conduct would be subordinated to some extent to the needs of the clan, those are the ones which would prevail in the struggle for life. In this way you gradually get an external standard to which man has to conform his conduct, and you get the germs of altruism and morality.[24]

If such is man's origin, what is his nature, and his destiny? Fiske is fond of repeating that, "Darwinism replaces as much teleology as it destroys";[25] that "the process of evolution is itself the working-out of a mighty teleology of which our finite understandings can fathom but the scantiest rudiments."[26] Hence he holds that the doctrine of evolution is far from degrading man; but by exhibiting the development of the highest spiritual human qualities as the goal toward which God's creative work has from the outset been tending, replaces man in the old position of headship in the universe as in the days of Dante and Aquinas. "That which the pre-Copernican astronomy tried to do by placing the home of man in the centre of the physical universe, the Darwinian biology profoundly accomplishes by exhibiting man as the terminal fact in that stupendous process of evolution whereby things have come to be what they are. In the deepest sense it is as true as it ever was held to be that the world was made for man and that the bringing forth in him of those qualities which we call highest and holiest is the final cause of creation."[27] Man is the chief object of divine care, the crown and glory of the universe; but loaded down with a brute inheritance of original sin, his ultimate salvation is slowly to be achieved through ages of moral discipline; and herein we find the strongest incentive to right living.[28]

Whence came the soul of man? We no more know than we know whence came the universe. The primal origin of consciousness is hidden in the depths of the bygone eternity.[29]

[24] Op. cit., p. 109-110.
[25] *The Idea of God*, p. 160.
[26] *Cosmic Philosophy*, Vol. II. p. 406.
[27] *The Idea of God*, p. xxi.
[28] Ibid., p. 165.
[29] *Destiny of Man*. p. 42.

That it cannot possibly be the product of any cunning arrangement of material particles is demonstrated beyond peradventure by what we know of the correlation of physical forces. The Platonic view of the soul as a spiritual substance, an effluence from Godhood, which under certain conditions becomes incarnated in perishable forms of matter, is doubtless the view most consonant with the present state of our knowledge.[30] As for its destiny:

> It is not likely that we shall ever succeed in making the immortality of the soul a matter of scientific demonstration, for we lack the required data. It must ever remain an affair of religion, rather than of experience. In the domain of cerebral physiology the question might be debated forever without a result. The only thing which cerebral physiology tells us when studied with the help of molecular physics, is against the materialist so far as it goes. .It tells us that during the present life, although thought and feeling are always manifested in connexion with a peculiar form of matter, yet by no possibility can thought and feeling be in any sense the products of matter. Nothing could be more grossly unscientific than the famous remark of Cabanis that the brain secretes thought as the liver secretes bile. What goes on in the brain is an amazingly complex series of molecular movements, with which thought and feeling are in some unknown way correlated, not as effects or as causes, but as concomitants. So much is clear; but cerebral physiology says nothing about another life. Indeed, why should it? The last place in the world to which I should go for information about a state of things in which thought and feeling can exist in the absence of a cerebrum, would be cerebral physiology. The materialist assumption that there is no such state of things and that the life of the soul accordingly ends with the life of the body, is perhaps the most colossal instance of baseless assumption that is known to the history of philosophy. . . . When we desist from the futile attempt to introduce scientific demonstration into a region which confessedly transcends human experience, and when we consider the question upon broad grounds of moral probability, I have no doubt that men will continue in the future as in the past, to cherish the faith in a life beyond the grave.[31]

Closely related to this is Fiske's theory about the existence of God. We have heard him repudiate atheism in the strong-

[30] *Destiny of Man*, p. 43.
[31] *Destiny of Man*, pp. 110, 111.

est terms; he admits a "cosmic theism." The idea of God has of course undergone many changes in the course of its evolution. From fetishism and polytheism it has finally developed into monotheism. "The theory of divine action implied throughout the Gospels and the Epistles was the first complete monotheism attained by mankind, or at least by that portion of it from which our modern civilization has descended. In its fundamental features this theism was so true that it must endure as long as man endures." [32]

When we come to interpret this idea in the light of modern science, we must confess that, in dealing with the infinite, we are dealing with that which transcends our powers of conception. Our experience does not furnish the materials for the idea of a personality which is without limits. But it does not follow that there is no reality answering to what such an idea would be if it could be conceived. And since the teleological instinct in man cannot be suppressed or ignored, the human soul shrinks from the thought that it is without kith or kin in this vast universe. Our reason demands that there shall be a reasonableness in the constitution of things. This demand is a fact in our physical nature as positive and irrepressible as our acceptance of geometrical axioms, and our rejection of whatever controverts such axioms.

Does this belief answer to any outward reality? Is there aught in the scheme of things that justifies man in claiming kinship of any kind with the God that is immanent in the world? For the conception of a God external to the world and who created the same is only a remnant of barbaric ages that can no longer be entertained. Yes; but we can only conceive it or him in a symbolical way.

> The universe as a whole is thrilling in every fibre with life, not indeed life in the usual restricted sense, but life in a general sense. The distinction once deemed absolute between the living and the not-living, is converted into a relative distinction, and the life as manifested in the organism is seen to be only a specialized form of the universal life.[33] . . . Nowhere in nature is inertness or quiescence to be found: all is quivering with energy; all motions of matter are manifestations of force to which we can assign neither be-

[32] *The Idea of God*, p. 78.
[33] *The Idea of God*, p. 149.

ginning nor end. Matter is indestructible, motion is indestructible; and beneath both these universal truths lies this fundamental truth that force is persistent. All the phenomena of the universe are the manifestations of a single animating principle that is both infinite and eternal, a Power which is always and everywhere manifested in phenomena. This Power is the source of what we can see, hear and touch; it is the source of what we call matter; but it cannot itself be material. The only conclusion we can consistently hold is that "this is the very same power which in ourselves wells up under the form of consciousness." [34]

This is the conclusion of Herbert Spencer. And thus, although he disclaims the appellation, Fiske's speculations end in a thinly veiled pantheism.

We have dwelt at some length on Fiske's theories, because his works form an encyclopedia of evolutionary philosophy in America. Many of his contemporaries professed and still profess adhesion to the theories he represented; but often they lack his insight and his grasp of the philosophical import of the scientific doctrines on which evolution is based.

Edward Drinker Cope (1840-1889),[35] member of the U. S. Academy of Sciences, was especially engaged in zoological and paleontological work. In his chosen domain he is a painstaking investigator. He does not however seem to realize the limits of scientific investigation; whenever he invades the speculative domain, he becomes diffuse and falls into a philosophical logomachy. Feeling called upon, notwithstanding his limitations, to account for absolutely everything on the basis of evolution, he thus explains the state of innocence and the fall of our first parents:

If physical evolution be a reality, we have reason to believe that the infantile stage of human morals as well as of human intellect was much prolonged in the history of our first parents. This constitutes the period of human purity, when we are told by Moses that the first pair dwelt in Eden. But the growth to maturity saw the development of all the qualities inherited from the irresponsible denizens of the forest. Man inherits from his predecessors in the creation the buddings of reason; he inherits propensities and appetites. His

[34] *The Idea of God*, p. 154.

[35] *The Origin of Man*, 1885; *The Origin of the Fittest*, 1887; *Factors of Organic Evolution*, 1889.

corruption is that of his animal progenitors, and his sin is the law and bestial instinct of the brute creation. Thus only is the origin of sin made clear.[36]

And to clinch his argument, he mentions the fact that, according to some exegetical writer, the word "serpent" used in Genesis should be translated by "ape," "a conclusion," he continues, "exactly coinciding with our induction on the basis of evolution. The instigation to evil by an ape merely states inheritance in another form." [37] Thus we are better prepared for the author's final conclusion: "After we reject from customary religion cosmogony which belongs to science, and theogony which belongs to the imagination, we have left an art which has for its object the development and sustentation of good works and morals amongst men. If the teachers and professors of this art produce the results in this direction at which they aim, their great utility must be conceded by all. . . . Whether man possess the spontaneous power called 'free will', or not, the work of supplying inducements for good conduct is most useful to society." [38]

Joseph Leconte (1823-1901),[39] professor at the University of California, concentrates his efforts on a conciliation of religion and evolutionary science, implicitly taking for granted that they must be opposed to one another. And indeed, he claims, they will remain so as long as we admit with the old religious creeds, now fortunately on the wane, that God is a being external to the world, interfering with it at times by miraculous suspension of its laws. But evolution has taught us to believe in a God immanent, resident in nature, at all times and at all places directing every event and determining every phenomenon; a God in whom, in the most literal sense not only we, but all things have their being, in whom all things consist, in whom all things exist. The phenomena of nature are naught else than objectified modes of divine thought, the forces of nature naught else than different forms of one omni-

[36] Ed. D. Cope, *The Origin of the Fittest;* D. Appleton & Co., New York, 1887, p. 167.

[37] Ibid., p. 167, note.

[38] Ibid., p. 238.

[39] *Religion and Science*, 1874; *Evolution, its Nature, its Evidence, and its Relation to Religious Thought*, 1891.

present divine energy or will, the laws of nature naught else than the regular modes of operation of that divine will, unvariable because He is unchangeable.[40] The human soul is derived from God, not directly created indeed, but only by the natural process of evolution; it preëxisted as embryo in the womb of nature, slowly developed throughout all geological times, finally coming to birth as a living soul in man. Thus it attains immortality at a certain stage of development, viz. at spirit birth.[41]

Nathaniel Southgate Shaler (1841-1906),[42] professor at Harvard and rightly looked upon as one of our greatest geologists, hesitates to assert even that much. As a man accustomed to deal with facts he feels his limitations when he is about to state their philosophical implications. Anent that thorny question in evolution, the origin of life, he wrote toward the end of his long career:

> In all the skilful and patient research which has been devoted to the task of proving the possibility of spontaneous generation, there has as yet been no instance found in which, from matter which was not already living, any organic being has been brought forth. The value of the evidence as to the separation of the living from the not-living, which became evident a century ago, has been increased by recent studies, with the result that naturalists have of late regarded the barrier between two states as one of great permanence, —one seldom passed, and then only under very peculiar conditions, the nature of which is not yet discovered.[43]

The only conditions we could think of in the present state of science are that life can have originally begun only in water, e. g. in a hot spring coming from lavas where there might have been a deposit of materials such as constitute organic bodies. But, he goes on, this hypothesis by no means explains the way in which these dissolved materials took on their organic form; it only provides for the gathering-together of the elements necessary for the organization; in a word, it helps us

[40] *Evolution, Its Nature*, etc., D. Appleton & Co., New York, 1891, p. 301.

[41] Ibid., p. 326.

[42] *Nature and Man in America*, 1891; *The Interpretation of Nature*, 1893; *The Individual*, 1900, besides numerous purely scientific studies.

[43] *The Individual, A Study of Life and Death*, D. Appleton & Co., New York, 1900, pp. 18-19.

only a little way toward the critical point where the essentially lifeless becomes truly alive.[44]

When facing the ultimate problems which every evolutionist must face sooner or later, unless he abdicate his power of reasoning, Shaler does not even seek recourse to blind faith or the demands of morality to establish the immortality of the soul or the existence of God. "The materialist contention that mind is but a function of the body, and ceases when all the other functions cease at death, raises but a presumption against the continuance of mind after death." A presumption in favor of this continuance, he proceeds to say, is found in the fact that the rationality of the operations of nature cannot be explained except by supposing that a mighty kinsman of man is at work behind it all, who will also at the same time take care of us human beings.[45] In what way? We know not. But seeing a real, though impersonal immortality, in the past of our life, as it has come up through the ages, men will look forward with a perfect confidence to the future which awaits them, sure in their belief, with a certainty denied to their fathers, that the Power that has brought them here will deal well with them in the hereafter.[46]

David Jayne Hill (1850), who was professor at several universities, and our late ambassador to Germany, interprets the world,[47] man, and all the manifestations of his intellectual life, such as art, science, and religion, in accordance with evolutionary principles.

H. Fairfield Osborn (1857), of Columbia University, has always been the ardent champion of the same principles in numerous scientific and educational papers, and has besides given us a valuable outline of the development of the evolution idea in the history of thought.[48]

As an indication of how deeply evolution has taken root in the scientific world, it is interesting to read *Fifty Years of Darwinism*: Modern Aspects of Evolution; Centennial ad-

[44] Ibid., p. 19, note. [45] Ibid., p. 313. [46] Ibid., p. 333.

[47] *Genetic Philosophy*, 1893.

[48] *From the Greeks to Darwin*, Outline of the Development of the Evolution Idea, 1894. The author's attempt to make St. Augustine one of the fathers of modern evolutionism seems to spring not so much from misrepresentation as from imperfect, second-hand acquaintance with Augustinian philosophy. Pp. 71 ff.

dresses in honor of Chas. Darwin before the American Association for the Advancement of Science, Baltimore, Jan. 1, 1909.[49] The volume contains papers by several American University professors, and one by Prof. Edw. B. Poulton, of Oxford, in which he pays high tribute to the part played by American scientists in the diffusion of evolution.

In the domain of ethnography American evolutionism is represented by Lewis Morgan (1818-1881),[50] and Daniel G. Brinton (1837-1900).[51] The mind of man being a development of that of the brute, it becomes easy to find proofs of this *a priori* doctrine in the racial characteristics, especially of savage or little developed tribes, because these are supposed to manifest the various phases of evolution in their simplest forms.

It was but natural also that on account of its immediate practical consequences the study of ethics should be eagerly taken up by evolutionist philosophers. And this was done at times with manifestations of prejudice and temper ill-befitting so-called scientific treatises. A conspicuous example is found in C. M. Williams,[52] who not only decries the hypothesis of God as unscientific, but inveighs with great acrimony against Old Testament morals. Yet, if they are a mere passing phase in the evolutionary process, a lower stage which we have happily long since outgrown, they scarcely call for condemnation.

P. Bixby[53] and Sidney E. Mezes[54] are more moderate in the expression of their views, while giving the traditional evolutionistic theories on the foundations of morality.

If evolutionism enlisted illustrious names amongst its followers in this country, it also met with determined opposition

[49] Henry Holt & Co., New York, 1909.

[50] *Systems of Consanguinity and Affinity of the Human Family*, 1871, in Smithsonian Contributions to Knowledge, Vol. XVII. This work was condensed into: Ancient Society, 1873.

[51] *The American Race*, 1891; *The Myths of the New World*, 1896; *Races and Peoples; The Basis of Social Relations.*

[52] *A Review of the Systems of Ethics founded on the Theory of Evolution*, 1893.

[53] *The Ethics of Evolution*, 1900.

[54] *Ethics Descriptive and Explanatory*, 1901.

from others. Already Helmholtz (1821-1894), the great German naturalist, had asserted that, "while natural selection might have been competent to produce varieties within the same species, and even many so-called species, the question of the descent of species in general and of man in particular is at present determined rather by the preconceptions of individual investigators, than by the facts themselves. And Virchow (1821-1902) with equal scientific authority wrote that "at the present time there is no actual warrant for taking the step from the theory of descent to the fact of descent." Even Prof. Huxley (1825-1895), Darwin's friend and defender, reminds us that "our acceptance of the Darwinian theory must be provisional, so long as one link in the chain of evidence is missing; and so long as all the animals and plants certainly produced by selective breeding from a common stock are fertile, and their progeny are fertile with one another, that link will be wanting. For so long selective breeding will not be proved to be competent to do all that is required of it to produce natural species." [55]

In the face of such opposition, and representing as it did the most advanced opinions, while disturbing widely cherished beliefs at many points, it was natural that the evolutionary theories should be strenuously resisted and unsparingly criticized. Thus Col. Higginson wrote as early as 1864: "Mr. Spencer has what Talleyrand calls the weakness of omniscience, and must write not alone on astronomy, metaphysics, and banking, but also on music, dancing, and style. It seems rather absurd to attribute to him as a scientific achievement any vast enlargement or further generalization of the modern scientific doctrine of evolution." [56]

But these rather personal criticisms could not have the weight of a life-long opposition to the theory of a man like Prof. Louis Agassiz (1807-1873) of Harvard, one of the greatest American naturalists of the nineteenth century. In his teaching as well as in his numerous scientific memoirs he consistently and relentlessly fought the Darwinian theory. He found nothing in his extensive scientific observations that

[55] Compare: *Huxley; Lay Sermons;* D. Appleton & Co., New York, 1872, pp. 292-295.

[56] *Estimating Spencer; The Friend of Progress,* 1864.

compelled him to accept Darwinism as the only scientific explanation of biological phenomena; the personifications of nature and of natural selection did not appeal to him as *verae causae*; and he was besides firmly convinced that Darwinism led to atheism and materialism. Evolutionists never could reconcile themselves to his hostile attitude, and certainly failed to grasp the weight of his arguments.

George Ticknor Curtis (1812-1894) [57] and S. W. Dawson (1820-1899),[58] one time president of McGill University, Montreal, went deeper into the philosophical foundations of evolutionism than did Agassiz. They were not carried away by the brilliant novelties and the unreasoned enthusiasm born of plausible but unverified suppositions. Curtis especially points out with great acumen how, the theory of evolution having once been admitted, proofs have been made to suit the theory, whilst the latter is nothing more than an unstable aggregate of hypotheses.

Another clear-sighted and relentless critic of the evolutionist position is Jacob Gould Schurman (1854),[59] president of Cornell University. When, he writes, we look at the philosophical significance of the doctrine of evolution, the main point is to determine what it precisely is that natural selection explains, as well as what is left unexplained by it in the origin of species of organic beings. A scientific explanation consists in the assignment of a phenomenon to its causes, which causes themselves must be known natural agencies, for science takes account only of secondary causes. Now Darwin asserts that the manifestation of life on the globe was through a process of evolution, of which natural selection was the proximate cause. He came to this conclusion by observing the results of man's purposive selection in breeding: "As man can produce a great result with his domestic animals and plants by adding in any given direction individual differences, so could natural selection, but far more easily from having incomparably longer time for action." [60]

[57] *Creation or Evolution*, 1887.

[58] *The Earth and Man*, 1886; *Modern Ideas of Evolution as Related to Religion and Science*, 1890.

[59] *Kantian Ethics and the Ethics of Evolution*, 1882; *The Ethical Import of Darwinism*, 1887; *Belief in God, Its Origin, Nature and Basis*, 1895; *Agnosticism and Religion*, 1896.

[60] Chas. Darwin, *The Origin of Species*, Rand, McNally & Co. edit., Vol. I, p. 62.

But can the results attained by man also be attained by the blind and purposeless operations of nature? Let us grant it for the nonce.

But then we are still in presence of the fact that natural selection or the survival of the fittest can accomplish nothing until it is supplied with material for "selection", until there has appeared upon the field an antecedent "fittest", a fittest organ, function, habit, instinct, constitution or entire organism.[61] Natural selection produces nothing; it only culls from what is already in existence. The survival of the fittest is an eliminative, not an originative process. Darwin himself defines natural selection: "The preservation of favorable individual differences and variations and the destruction of those which are injurious, I have called natural selection or the survival of the fittest." [62]

Nature then originates the modifications, nature propagates them and accumulates them through propagation; but how all this is done is a mystery on which science throws no light; and the personification of nature, investing it with volitional attributes, serves only to disguise our real ignorance. Darwin writes: "It may metaphorically be said that natural selection is daily and hourly scrutinizing throughout the world the slightest variations, rejecting those that are bad, preserving and adding up those that are good." [63] And since natural selection is the name of an event that follows from physical causes, the reader gets the impression that the origin of species has at last been referred to a system of purely natural causation. But the true state of the case is very different: no *cause* has been discovered for the *origin* of those variations, which through inheritance are accumulated into specific characters. And this attribution of superior potency to natural selection, in comparison with the purposive selection of man, involves the conception of nature as an intelligent, active being; nature seems to do so much only because you have personified her. Drop the use of metaphorical language and of italics, and you will never make it credible that blind natural processes can ever attain the end realized by human design. When

[61] *The Ethical Import of Darwinism*, Chas. Scribner's Sons, New York, 1887, p. 77.

[62] Chas. Darwin, *The Origin of Species*, op. cit., Vol. I, p. 61.

[63] Ibid., p. 63.

trying to account for the *origin* of fitter beings that natural selection could seize upon to perpetuate, Darwin at first ascribed their origin to the environment, the circumstances in which such beings live. But it was soon shown that similar varieties were produced from the same species in different environments, and dissimilar varieties in the same environment. Hence he felt himself compelled to resort in the end to "an innate tendency to new variations" or to "spontaneous variability." But this assumed, everything is assumed. And it is a frank admission that you return to the final cause, inherent in each being, which Aristotle had already pointed out, and the Scholastics had always defended.

If you pursue your questioning still further and ask, Whence those germinal organisms with their wonderful capabilities of differentiating into species? Darwin himself answers that "life has been originally breathed by the Creator into a few forms or into one"; [64] so that ultimately the gradual development of species is but a mode of conceiving the action of supernatural causality.

Mere physical causality, by whatever name you may call it, without any fixed and predetermined end in view, will never account for the orderly phenomena of the cosmos. And it is this jugglery with causality, as though in time everything could be got almost out of nothing, which is the besetting sin of those evolutionists who refuse even to admit Darwin's "innate tendency".

The masters of positive sciences cannot of course observe the final cause under their microscope; neither can they precipitate or sublimate it in their testing tubes; therefore their refutation, they think, need only consist in characterizing it as "metaphysical".

It is in the same spirit that Spencer has made bold to reconstruct ethics on the law of universal physical causation. Yet, though he postulates for ethics an immediate evolution like that which in the course of centuries has transformed empirical into rational astronomy, he fails to demonstrate the possibility of such a development; still less does he accomplish it, or even make its accomplishment very credible to anyone who can resist the contagion of the evolutionist's scientific optimism.[65]

[64] Op. cit., Vol. II, p. 186.

[65] J. G. Schurman, op. cit., p. 19.

The method of ethics generally employed by evolutionists is as follows:

> Eschewing every attempt to deduce moral rules for the guidance of conduct, they institute an inquiry into the origin of that morality by which human life is actually regulated. It is not their business to tell men how they should act, or to supply them with motives for originating, or principles for regulating their behavior; still less to mete out esteem and affection or hatred and contempt upon what may be considered the estimable or the blamable qualities of men. On the contrary, their aim is purely theoretical. They seek only the genesis of those moral notions, beliefs, and practices which constitute an obvious phenomenon of the life of man. They dissect complex moral phenomena into simple elements, and under the guidance of evolution track these elements to their last hiding-place in the physical constitution and environment of the lower animals. [66]

But the phases of morality which the scientific moralist thus binds together in his theory of development, are, when not a part of human history, purely imaginary. We know nothing of the morals of the first species that ceased to be non-moral; for surely the shape and size of fossil remains, however useful they may be in other regards, do not enlighten us on this particular subject.

You may indeed study the psychical attributes of the dog or the elephant; but however rich your harvest of observations, you will be no whit nearer the origin of human morality, so long at least as conscience continues the unique prerogative of man, the only moral being we know. Even if you imagine a moral sense in the higher brutes, descriptive ethics, though acquiring thereby a comparative character, would be as far as ever from that genesis of man's morality which evolutionary moralists profess to explain in their theories of physical ethics.[67]

And the same must be said with regard to all evolutionary theories about primitive society in general and conjugal relations in particular.

> There is, for instance, not the slightest ground apart from the exigencies of a theory, for the assumption of an aboriginal promiscuity in sexual relations, which indeed both biology and archeology tend

[66] Op. cit., p. 23.

[67] Op cit., p. 30.

to disprove. It is a gratuitous concession to our methodology when the facts of the world are supposed to arrange themselves according to our mode of apprehending them. We have no evidence whatever that all the branches of the human family passed through precisely the same stages of development either in general or still less in the details of their social institutions.[68] Isolating the various conjugal relations from their historical settings, in which alone an explanation of each is to be found, the theorist generally puts them in an arbitrary row as one might string beads, and then asseverates that this linear arrangement of contemporaneous phenomena in space corresponds to the successive order of their evolution in time. Meanwhile no one knows that there has been such a universal development, or that there ever was a time when all the forms of the family did not coexist as they do to-day.[69]

In the hands of Darwin and his followers the historical method in ethics was less an independent instrument of investigation in morals than an apt means of confirming a biological hypothesis and a foregone conclusion upon the derivative character of morality.[70] And no one acquainted with evolutionary philosophy, its methods, and its teachings, will gainsay this stringent conclusion.

To sum up. American evolutionism followed in the wake of the European theorists, with this exception that it always claimed to be frankly theistic, and in harmony with the religious spirit of the people at large. At bottom however this theism differs only in name from pantheism, since all phenomena, both physical and psychical, are but manifestations of the Underlying Power, the Eternal Reality. Being wider in its scope than idealism, and adapting itself to every department of thought and action, evolutionism has rallied around its standard an army of docile enthusiasts, who will question and deny anything but the fundamental principles of Spencer and Darwin. It has indeed been well said that "the belief in the ultimate perfectibility, if not the present perfection, of the doctrine of evolution has become a part of the scientific fanaticism with which our age matches the religious fanaticism of the sixteenth century." [71]

J. B. CEULEMANS.

*Moline, Ills.*

[68] Op. cit., p. 231.
[69] Ibid., p. 241.
[70] Ibid., p. 31.
[71] J. G. Schurman, op. cit., p. 72.

## ECCLESIASTICAL DRESS AND VESTMENTS.

THE older the world grows, and the more complex becomes the constitution of human society, the greater and more necessary is the tendency to adopt some distinctive dress or uniform to differentiate the various vocations.

The Church, the army, navy, diplomatic service, and the law (in its higher branches) have long had costumes peculiar to themselves. Medicine stands alone in possessing no distinctive garb. This is doubtless largely, if not wholly, explained by the fact that the doctor follows his profession unostentatiously, practising his skill and treatment in private.

In the public services, both governmental and municipal, we find the same rule exists. Postal and telegraph officials, policemen and commissionaires, prison and asylum officials, fire brigades and hospital nurses, railway employees of all grades, mayors and civic corporations, chauffeurs and messenger boys, these and others are recognizable by their prescribed costume.

Even private undertakings and philanthropic societies, when they have attained sufficient proportions to be of public importance, have, within comparatively modern times, adopted a uniform for their employees. We find instances of this among the officials of the Society for the Prevention of Cruelty to Animals; also among hotel and theatrical functionaries, and the Masonic and Friendly societies.

Turning to the scholastic world, we meet with many examples. There is the quaint medieval costume still worn by the scholars at Christ's Hospital, the distinctive dress of the Eton boys; and the academic robes of the chancellors, vice-chancellors, proctors, professors, graduates, and undergraduates of the various universities.

The history of clerical dress claims, for many reasons, a pre-eminence of interest. The dignity of the priestly office gives an importance to all that concerns its ministrations. It is, moreover, the oldest illustration of the tendency in human society to adopt a distinctive class costume. In those far-back times when the warrior fashioned his armor according to his personal fancy, or the exigencies of the period—in those days when navies had not yet been dreamed of, and

when medicine and law had no existence apart from the Church—the vestments of ecclesiastics had long been regulated both by custom and rule. For, if the divinely appointed costume of the Levitical priesthood be not the first instance in the world's history of the adoption of a distinctive dress for one order of society, it certainly is the first authentic and detailed record of such a practice.

Let us briefly glance at the sacred vestments of Judaism. Amongst the Israelites the Levites were the lowest in priestly rank. Until the time of Agrippa, they wore no distinguishing dress. Nor were the higher orders among the Jewish priesthood differently clad from the rest of the people, save when engaged in their holy ministrations.

The priests wore while performing their sacred offices four special garments: These were (1) the linen breeches, (2) the tunic or coat, (3) the girdle, and (4) the bonnet. Like the sacred robe worn by our Lord, the tunic was woven throughout in one piece and fitted close to the body. The girdle was worn round the back of the neck, then crossed upon the breast, and lastly twisted round the body, with the ends hanging to the ground. The girdle was the distinctive priestly vestment, and is (in its use) very suggestive of the stole of the Christian Church. It was worn only during the actual ministration of the sacerdotal office. The inverted calyx of a flower best describes the form of the bonnet, which was a tall, peaked cap. These four vestments were all of the snow-white "byssus" (or cotton) of Egypt.

In addition to the above, the high priest wore four more, known as the "Golden Vestments", because golden threads, together with the four sacred colors (white, purple, blue, and scarlet) consecrated to the use of the sanctuary, were woven into them. These four high-priestly vestments were: (1) the meil or robe, (2) the breastplate, (3) the mitre, and (4) the ziz or frontlet.

The meil was of dark blue and reached to the knees, its edge being adorned with pomegranates, worked in purple, blue, and scarlet, alternating with golden bells. The breastplate was, according to the Rabbis, originally a kind of burse or flat receptacle stiffened in front with gold and jewels, within which were borne the mysterious Urim and Thummim.

It was about twelve inches square, and on the twelve gems (set in front) were engraved the names of the twelve tribes of Israel. Although in the later days of the Jewish dispensation, not only were the Urim and Thummim lost, but the real import of their names was forgotten, the high priest still continued to wear the jeweled breastplate, which was attached by golden links to his shoulders and by woven bands about his waist.

The ziz (or frontlet) was a golden plate, suspended from the mitre by a web of blue lace. It was the length of the forehead and the breadth of two fingers, and on it was engraved " Holiness to the Lord ".

The mitre of the high priest was more splendid than the bonnet of the priest, and of greater height. According to rabbinical tradition (for the Rabbis seem to delight in exaggerating the size of their priests' vestments!) the mitre attained eventually to the absurd height of eight yards; and the girdle to three fingers' breadth and sixteen yards in length.

Any sacerdotal function was regarded invalid by the Jews, if the officiating priest was not fully vested in all the above robes of his office. The high priest had a complete new set of vestments for the great day of Atonement each year. When the vestments had become soiled, they were not washed, but used for making wicks for the lamps of the sanctuary.

Some similarity may be traced between most of the vestments worn by the Jewish priests and those now in use by the Catholic clergy. The Christian priest of the New Dispensation bears, when vested in alb, girdle, and crossed stole, some resemblance to the Jewish priest of the Old Dispensation, clad in his linen tunic. Again, any one of the more ornate vestments of the Christian Church — the cope, the chasuble, and (still more closely) the dalmatic—suggests the splendid robe of the high priest of the Jewish Church; while the episcopal mitre and the pectoral cross of to-day seem to have been foreshadowed by the tall bonnet and the breastplate of Judaism.

But as mere likeness of sound has often proved erroneous in tracing the derivation of words, so may the mere resemblance of form be as delusive a guide to the origin of vestments. Hardly a single ecclesiologist of note to-day contends that

Christian ecclesiastical vestments owe their origin to those of the Jewish Church. True that on comparison points of similarity exist between them, but the weight of evidence leans toward the theory that this likeness is either accidental, or has possibly arisen, in one or two cases, from a medieval attempt to make the ecclesiastical vestments then in use conform more closely to those analogous of the older dispensation. Indeed, it is now conceded by almost every ecclesiastical antiquary of authority that the clerical dress of the primitive Church differed neither in shape nor material from that worn by the laity; except that in their sacred ministrations the early Christian clergy assumed garments that were usual to a Roman gentleman on solemn or festive occasions.

The position in which the primitive Church found herself during the first three centuries of the Christian era rendered such a custom unavoidable. In those early days of the Christian Faith, when persecution was so bitter and imminent even when not actually rife, it would have been a gross act of folly for the bishops and priests to have moved abroad in a garb which would at once have singled them out as leaders of the despised and hated religion of the Nazarene. The pulse of popular feeling, and the prerogatives of the powers, of that period must have precluded the early Christians from even hazarding an attempt at anything like a prescriptive attire for their clergy. Therefore, if we would examine the origin of clerical dress, we must seek it in that worn by persons of position in the first century, especially the chiton and the toga.

The chiton, or tunic, was the most commonly worn garment of those times, and fitted fairly closely to the body. Its length varied, sometimes reaching to the ankles, at others barely covering the knees. In color it would in ordinary cases probably be of some serviceable dark tint. Not infrequently it was ornamented with two stripes which ran down the front of the garment from either side of the neck. These stripes differed in breadth, and perhaps also in color, according to the dignity of the wearer; a senator using a broad clavus, as it was called, and a knight a narrower one. This striped chiton is often met with in early frescoes, and suggests a striking resemblance to the surplice and black stole of

a Protestant clergyman. This resemblance is, however, in no sense historical. Such a garment appears in a fresco of one of the catacombs in Rome: an aged man is seated on a chair, while before him stand two youths clad in tunics adorned with clavi. This has often been taken as a representation of an early Confirmation, but there is sound reason for rejecting the supposition. What here concerns us is to note the dresses of the three persons, two of whom certainly represent laymen.

The toga was a long and ample robe which, on state occasions, was worn by a Roman gentleman over his tunic. The toga was at one time the characteristic dress of every adult Roman citizen, and must, from its nature, have been almost always laid aside when any exertion was required, as in toil or travel. Furthermore, in the first century of the Christian era, it had been wholly dropped by the lower orders of society. However, it continued to hold its place as the recognized "court dress" for all who had an audience of the Emperor; as also the appropriate habit for religious or civil ceremonial. The toga was worn by the advocate when pleading in the Forum; it was seen at the public sacrifices; and in a white toga the dead were borne to their last resting-place, while the mourners followed in those of black. In the eyes of the world, therefore, there was one form of dress which, though not exclusively confined to the clergy, was regarded as specially suited for all solemn occasions; and it was by the use of this (the toga) that the early Church was enabled to express her sense of the dignity of her sacred rites, without exciting the notice or arousing the attacks of the heathen populace by which she was then so dangerously surrounded.

There is, moreover, reason to suppose that the principle underlying the use of sacred vestments, i. e. the setting aside of certain garments for exclusive employment in the Holy Mysteries, was from the first quite evident. The toga and tunic used at the altar became sacred vestments to be worn henceforth for no other purpose. To this intent St. Jerome, writing in the fourth century, but evidently expressing the feeling throughout the Church, says: "We ought not to go into the sanctuary just as we please, and in our ordinary clothes, defiled with the visage of common life; but with clear conscience and clean garments handle the Sacraments of the Lord."

In the vestments worn by the early Christian clergy during their priestly functions, and perhaps in their secular dress, we must note one point of distinction, namely that the color was restricted to white, the stripes upon the tunic probably being black. In this restriction and choice doubtless the Church was influenced by the idea of purity and gladness which are so naturally suggested by that color; and also probably by a prevalent impression (with which the vestments of the Old Dispensation coincide) that white was peculiarly appropriate to the Deity. Proof of this is found in the writings of St. Jerome, who, in his refutation of the Pelagians, says: "What is there, I ask, offensive to God, if I wear a tunic more than ordinarily handsome; or if a bishop, priest, or deacon, and other ministers of the Church, in the administration of the Sacrifice, come forth in white clothing?"

Hegessipus, a Jew, who became a convert to Christianity about 180 A. D., tells us that St. James the Just, the first Bishop of Jerusalem, when about "to offer supplication for the people" was accustomed to "use garments, not of wool, but of linen."

Two early authorities, Polycrates and Epiphanius, seem to imply that at least some of the Apostles adopted part of the distinctive vestments of the Jewish high priest, to emphasize the analogous position to which they had been called in the New Dispensation. Polycrates, writing at the close of the second century, speaks of St. John the Divine "becoming a priest, wearing the golden plate." His evidence is of special value, because (1) according to the consensus of tradition, the first Bishop of Ephesus was St. John, who died there early in the second century; (2) Polycrates was all but a contemporary of St. John. Epiphanius was Bishop of Constantia, or Salamis, in Crete, 367-403 A. D. He gives a similar testimony concerning St. James: "It was permitted him to wear the golden plate upon his head." Epiphanius refers also to Eusebius and St. Clement as supporting this statement. As Epiphanius was by birth a Jew of Palestine, he may be supposed to have been familiar with the local tradition on the subject; therefore his evidence is worthy of note.

Theodoret, who became Bishop of Syria in 420 A. D., has a passage among his writings which has often been quoted as

proof of the early use of distinctive ecclesiastical vestments. It is to the effect that the Emperor Constantine gave to Marcarius, Bishop of Jerusalem, a sacred robe, woven of golden thread, to be worn by him when administering Baptism. But too much importance should not be attached to this statement. The passage does not necessarily imply that the robe was specially suitable for its sacred purpose in any other respect beyond its splendor; and, when Theodoret goes on to inform us St. Cyril of Jerusalem was charged with having sold the robe, and that a stage dancer had bought and used it, the probability is that the said robe did not differ in fashion from secular clothing.

There is still less evidence to support the contention that there is proof of a primitive use of sacerdotal vestments in St. Paul's message in II Timothy: "The cloak that I left at Troas with Carpus, when thou comest, bring with thee, and the books, but especially the parchments." In fact the attempt to make a chasuble of this cloak appears to be distinctly modern.

Tertullian, in his treatise on Prayer, refers to the custom of removing the cloak during prayer; a practice which he counts among "empty observances", not to be insisted on as if they were founded on Divine precept or Apostolic command, of which there is no evidence—"unless indeed," he sarcastically adds, "anyone should think that it was in prayer that St. Paul threw off his cloak and left it with Carpus." Tertullian here regards the cloak as a garment which might conceivably be put off for divine worship, and certainly not as one to be specially donned for the purpose. St. Chrysostom too, in one of his homilies, speaks to the same effect; evidently regarding the cloak as an ordinary secular garment only.

Two conclusions, deducible from evidence concerning ecclesiastical costume in the early Christian Church, force themselves upon us: 1. In the primitive ages of Christendom, the garments worn by the clergy in their public ministrations did not differ in shape from those used on certain occasions by the civil society around them; and that in everyday life their garments differed in color and material no more than in form. There would obviously be reason for this in the hostility and

persecution that continually raged around the Church in her infancy. An exact and striking parallel was, centuries later, presented by the Reformation in England, when the Catholic clergy were, so far as their ordinary attire was concerned, compelled to mix among their scattered flock, during the reigns of the later Stuarts, in lay attire, because of the severe penal laws enacted against them. But in the case of the early Church, there would be an additional reason in the extreme poverty of the primitive Christians; which did, doubtless, make it well nigh impossible to provide costly accessories for the public services of the Church.

2. In spite of all this, "the principle underlying the use of a special garb was, at least at the time of ministration, both felt and acknowledged so far as circumstances allowed". While officiating, the clergy wore the dress which society recognized as most befitting solemn ceremonial; and which was in color esteemed especially appropriate for divine worship. Thus by reserving this garb exclusively for sacred purposes they gave to it almost the character of an ecclesiastical vestment. There is also the evidence proving the use, by at least some of the Apostles, of distinctly sacerdotal insignia; and to this testimony due weight should be given.

It is then from this dignified costume of imperial Rome that throughout the centuries has been evolved the priestly vestments of the Catholic Church; as also, for the most part, that fashion which is recognized as the distinctive dress of the clergy in their everyday life, an attire in the use of which the ministers of all denominations have almost universally imitated the example of the ecclesiastics.

In this development, the controlling influence has been the conservatism which naturally arises from that regard which all devout persons must feel for the customs of their forefathers in matters religious: a conservatism that is intensified in this case by a sense of the impropriety which would be evinced by the Church were she to follow the frequent changes in the fickle fashions of the world. Thus, while the world has altered and re-altered the cut of its clothes from the mere passion for novelty, the Church has, from a reverential regard for antiquity, kept as near as possible to the older forms, and only with great deliberation has modified eccles-

iastical dress, yielding slowly, as if by protest, to the influence of circumstances.

During periods of violent religious commotion and upheaval, when the reins of discipline have been lax, and individual caprice could venture to assert itself, changes have sometimes been initiated which have left their mark when regular and peaceful days have been restored. On the other hand, we find long tracts of time which have been scarcely marked by a change of any kind; and this is yet another point of view which lends interest and importance to the history of clerical costume; for, comparatively unimportant as may be the cut of a coat, or the color of a vestment, such things have from time to time illustrated the drift of thought on other and more vital questions.

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## THE TEMPLE OF JAHU IN SYENE AND PENTATEUCHAL CRITICISM.

THE revolution which has been effected in Biblical criticism by the "science of the spade" during the last twenty years is one of the marvels of the time. It would be as impossible to erect a Tübingen School of exegesis now as it would be to hold the verbal inspiration of the Bible in the sense in which it was understood by a generation but little removed from our own. Studies which smell of the lamp rather than of the desert are no longer in vogue, and a critic who would be heard must take into full account what we may term the genius loci as revealed by the excavator's spade. And the amount of excavation which is being assiduously carried out by fully equipped men at the present day is literally amazing. The English Palestine Exploration Society was founded in 1869. Till about ten years ago it was practically alone in the field; now nearly every nation has its army of trained excavators at work, whether it be in Crete, Egypt, Babylonia, the land of the Hittites, or the lands of the facile Greeks and practical Romans. And the output from these scenes of activity is enormous, so much so that it is well nigh impossible to keep intelligent pace with the information which is being

thrust upon us. There is, too, at least in England, a certain amount of apathy begotten perhaps of a spirit of scepticism due to the hasty generalizations of some less prudent workers, and also due, in part, to a sense of disappointment that the excavations which were to do such great things—unearth for instance the very cuneiform tablets on which Moses scratched the Law of Sinai—have not fulfilled the expectations which wild dreamers had formed.

But putting aside the many results of doubtful value and the rash conclusions which have tended to throw discredit on the whole science (for it is a science), many very solid results have been obtained. It may be a convenience to the general reader to have presented to him in brief form the results of one of the most notable discoveries of the last two or three years.

The Papyri of Assouan or Elephantine, eleven in number, were discovered between the years 1901-4, and ten of the eleven were found in the original box in which they had been placed by the owners. An accident, as is so often the case, led to the discovery, for they were unearthed by some road-menders. At the same time it is but just to remark that Prof. Sayce, who had rescued one of these precious relics from the hands of some sebakh diggers in 1901, urged that excavations should be made on the spot in the hope of finding more. This was done, but without result. Meanwhile the native dealers were offering for sale the remaining ten, and these were bought by Mr. Robert Mond and Lady William Cecil, and published with notes, etc. by Sayce and Cowley in 1906.[1] In that same year the Germans and the French divided the site between them, and the former quickly published three Papyri,[2] of which two were duplicate copies of a petition from the Jews in Elephantine to Bagoas, the Persian Governor of Judah; the third we shall mention directly. The publication of the more or less mutilated fragments which remained has been deferred till this year, when Dr. Sachau [3] has published

[1] *Aramaic Papyri discovered at Assuan;* edited by A. H. Sayce with the assistance of A. E. Cowley and with Appendices by W. Spiegelberg and Seymour de Ricci, London, 1906.

[2] *Notice sur un Papyrus Egypto-Araméen de la Bibliothèque Imperiale de Strasburg,* par M. J. Euting. 1903.

[3] *Aramaische Papyrus und Ostraka aus einer Judischen Militar-Kolonie zu Elephantine.* Edited by Eduard Sachau. 2 Vols. Leipzig, 1911.

a number of official letters and also two priceless documents, one being the Story of Ahiqar, the Achiacharus of the Greek text of Tobias 1 : 21,[4] and the other being nothing less than an Aramaic version of the famous inscription of Darius I at Behistun, which played so important a part in the decipherment of the Babylonian cuneiform script.

It is easy to see how important this Aramaic version would have been in the early days of cuneiform decipherment. The discovery of the Story of Ahiqar or Achiacharus in an Aramaic version of the fifth century B. C. is of great interest. Probably few legends have been more popular or more widely diffused. Hitherto it has been found only in comparatively late Syriac, Armenian, Arabic, Greek, and Slavonic recensions; but the recent discovery shows us that at least a portion of the material woven into the Book of Tobias was very much older than has hitherto been suspected.

Interest centers however chiefly round the Aramaic Papyri which refer to the Jewish establishment at Syene or Assouan. In a previous issue of the REVIEW we have given a précis of their contents and have drawn attention to the importance of the data they furnish for students of the Pentateuch. As is well known, modern critics are practically at one in maintaining that the legislative portions of the Pentateuch, commonly known as the Priestly Code, are to be referred to a period posterior to the Exile, while the Book of Deuteronomy is said to have been not merely discovered in 621 in the reign of Josias but to have been actually composed at that time and presented to the nation as the product of Moses's pen. These two points may be regarded as the keystones of modern Pentateuchal criticism and the religious history of Israel has been re-written in accordance with this view. Practically no rapprochement between the traditional view and this revolutionary thesis has been possible, for the two Schools approached the question from such widely differing standpoints that the fundamental data of the one were met by a flat denial from the other. It has always been felt that nothing but the logic of the spade could ultimately decide the question. Hence the dream of many enthusiasts that one day excavations at

[4] The name occurs also in 11 : 18 (LXX), and in 14 : 10 (LXX & Itala), The Vulgate has it only in 11 : 18, under the form Acior; cf. Judith, 5, 6, 14 : 6.

Kiriath-Sopher, or " Book-Town ", would present us with the actual tablets on which Moses wrote! But though this may be an enthusiast's dream it was surely no dream that one day there might turn up pre-Exilic tablets which would show us the Pentateuch in existence at a date anterior to the Exile. This has not occurred yet, though the recent excavations at Samaria seemed at one time to bring us extraordinarily near its realization. But though the pre-Exilic tablets are not yet forthcoming, we have in these post-Exilic (but still fifth century) Papyri some information which no Pentateuchal critic can afford to disregard.

Briefly, then, the Papyrus published by Sayce and Cowley in 1906 introduced us to the private life and affairs of a Jewish family settled at Syene in the fifth century B. C. The documents are all concerned with their legal affairs and may be described as the title-deeds of the family. These Jews are depicted as living in a garrison town, as being on intimate terms with the Egyptians, as intermarrying with them, and above all, as having a temple of their own which was dedicated to Jahu or Jehovah. This temple is sometimes spoken of, in Sayce and Cowley E. 14, and J. 6, as " the chapel of Jahu," a rendering which is however not quite certain. Most of these deeds are concerned with the marriage and property of one Mibhtahyah, a daughter of Mahseiah, son of Yedoniah. The family is sometimes spoken of as being " Jews in the fortress of Jeb " (B), sometimes as "Aramaeans of Syene " (A).

This Mibhtahyah marries one As-hor, evidently an Egyptian, and a most interesting account of the trousseau he provided for the occasion is given. It is surprising to find among the " properties " given to himself on the occasion " one ivory cosmetic box." Amongst the articles he bestows on his future wife is " one garment of wool, new, embroidered on both sides (?), 8 cubits long by 5 ". He also gives her cups and bowls of bronze, etc. In this deed of settlement full provision is made in case either party divorces the other, or in case the husband at any time repudiates his wife. It is somewhat remarkable that the wife seems to be at perfect liberty to divorce her husband, just as he is at liberty to divorce her; but it seems a hard provision that in either case she has to restore the trousseau ! (G).

Later on we find legal enactments regarding Yedoniah and Mahseiah, sons of this same Mibhtahyah by her husband As-hor (H). It is of extreme interest to note that in a later Papyrus (J) he is called by the Jewish name of Nathan. Does this mean that he was converted to Judaism? As an indication of the freedom with which the Jewish religion was practised in Elephantine we notice that the judges in the courts allowed them, even when in litigation with Egyptians, to "swear by Jahu the God in Jeb" (B). The inventory of the trousseau furnished by As-hor on occasion of his marriage with Mibhtahyah (G) shows that these Jewish families were certainly well-to-do. In the deeds drawn up regarding the property of Mibhtahyah's sons we find that this lady possessed slaves, and we read of one of them, "I have tattooed a yod on his right hand, the writing being tattooed in Aramaic, like that of Mibhtahyah" (K).

But the chief point of interest for us is undoubtedly "the temple of Jahu the God in the fortress of Jeb," and it is on this temple and its fortunes that the newly published Papyri found by the German explorers throw the most interesting light.

We give the text of the Papyrus as published by Gunkel in the *Expositor* for January, 1911; but as we have been able to glance only at the original publication by Sachau, we cannot guarantee either its completeness or its absolute accuracy. We divide it into paragraphs A. B., etc. for convenience of reference.

A.—To our Lord Bagohi, ruler of Judah, thy servant—Jedonja, with his colleagues—the priests in the fortress of Jeb [the Aramaic form of the Egyptian "Ib" i. e. ivory, whence Elephantine].

B.—May our God, the God of Heaven, bless thee richly, and for all time. May He grant thee increase of grace a thousandfold, before King Darius,[5] and before the Princes of the Royal House,[6] with length of life. Be ever glad and of good health.

C.—Further, thy servants Jedonja, and his colleagues, speak thus: "In the month Tammuz, in the 14th year of King Darius, when Arsham had departed, and had gone to the King, the priest of the God Chnub (Anubis), in the fortress of Jeb, made a conspiracy

[5] Darius II, Nothus, 424-404 B. C.
[6] Cf. Dan. 1:3.

with Widrang, who was then Governor, to destroy the temple of the God Jahu in the fortress of Jeb.

D.—Thereupon this accursed Widrang sent a letter to his son, Nephajan, who was colonel in the fortress of Sewen, saying that the temple in the fortress of Jeb must be destroyed.

E.—Then Nephajan brought Egyptian and other troops; they, having weapons, entered the fortress of Jeb, forced their way into the temple, and razed it to the ground.

F.—They broke the stone pillars which were there; they also destroyed the five gateways hewn out of stone which were in the temple, and the doors with the bronze hinges; the roof, entirely constructed of cedar beams, and the remaining furniture, they burned with fire. The gold and silver [7] vessels for sprinkling,[8] and the utensils of the temple they carried away and appropriated.

G.—In the days of the kings of Egypt [9] our fathers had built this temple in the fortress of Jeb; when Cambyses conquered Egypt, he found the temple already built. He destroyed the temple of the gods of the Egyptians; but this temple was not injured.

H.—After the deeds of Widrang and the priests of Chnub, we, with our wives and children,[10] wore sackcloth, and we fasted and prayed to Jahu, the Lord of Heaven.

I.—He granted us a spectacle of joy regarding Widrang; the dogs tore the fetters from off his feet; all the treasures which he had amassed were lost, and all the men were slain who had wished evil to the temple; this we beheld with joy.

J.—Also at the time that this misfortune happened to us, we sent a writing to our lords, and also to Jehochanan,[11] the High Priest, with his colleagues, the priests of Jerusalem, to Ostan, the brother of Anani, and to the nobles of the Jews; but they returned no letter to us.

K.—We have worn sackcloth and fasted since the "Tammuz" day of the 14th year of King Darius unto this day; our wives have become like unto widows; we have not anointed ourselves with oil, and we have drunk no wine.

L.—Also until the present day of the 17th year of King Darius no meal-offering, no offering of frankincense, or burnt-offering, has been brought to the temple.

M.—Thy servants now speak, Jedonja with his companions, and the Jews, all citizens of Jeb. If it appear right unto my Lord, have

[7] For weight and value of these cf. Nbs: 7, 19, etc. Esdras 7, 25, 33.

[8] Lev. 8:30.

[9] This is previous to the Persian conquest in 525. The last Egyptian King was Psammetichus III.

[10] Joel 1:13; 2:16.

[11] Neh. 12:22.

regard to this temple, to rebuild it, for we are forbidden to rebuild it. Behold us here in Egypt, who have received thy benefits and favors. We pray thee to send a letter to thy servants concerning the temple of the God Jahu, that it may be rebuilt in the fortress of Jeb, as it was before.

N.—Then will we offer meal-offerings, frankincense, and burnt-offerings upon the altar of the God Jahu in thy name; and at every time we, with our wives and children, and with all the Jews here assembled, will offer prayer for thee if this be so, until the rebuilding of this temple.

O.—If thou continue thine aid, until the temple be rebuilt, thy deed will be acknowledged by Jahu, the God of Heaven, with the gift offered unto Him of a whole-offering, or part-offering; thou shalt receive a thousand talents of silver. As regards the gold, we have sent our message and communication.

All these things we have notified in our letter to Delaja and Shelemja, the sons of Sanballat, ruler of Samaria.

Arsham has known nothing of all that we have suffered.

Dated 20 Marcheschvan, the 17th year of King Darius.

That this request was granted seems to follow from a protocol on a leaf of papyrus subsequently discovered:

A protocol on the reports of Bagohi and of Delaja: It is for thee to command in Egypt, before Arsham, concerning the Altar-House of the God of Heaven, which was built in the fortress of Jeb, before our days, and before Cambyses; and afterward destroyed by the cursed Widrang, in the 14th year of King Darius, that it be rebuilt on its own place, as it was before; meal-offering and frankincense to be again offered on the altar, as in ancient days.

It is easy to see how this document affects Pentateuchal criticism. For the critical argument has briefly been this: Deuteronomy, Chapters 12 and 16, insisted upon one place of worship as alone legitimate; but the subsequent history as given us in the Books of Kings shows no knowledge of such legislation, for we find sacrifice offered everywhere without adverse comment, therefore the Book of Deuteronomy did not exist during the reigns of the kings. Advantage is then taken of the statement in IV Kgs. 22: 3, that "the Book of the Law" was discovered in the Temple, to assert that this was nothing else than Deuteronomy and that its "discovery" was but a polite way of saying that the ground was, so to say,

"salted", and the book which had been but just compiled in the interest of the priesthood, conveniently found. The argument, it will be noted, is simply that from silence,—always a precarious one. But see the irony of fate. At the time when these Assouan Papyri were being written the Deuteronomic Law was, according to the critics' own statement, in full possession. Yet we find its provisions absolutely ignored by these Jews of Assouan who, as we shall see presently, probably knew the Book of Leviticus quite well. If the critical procedure was justified in the case of the silence of the Books of Kings, it must logically maintain that in the face of the silence of these same Papyri, or rather of their writers as shown in their daily lives, Deuteronomy had not been written in the fifth century B. C. For the facts concerning these Jews in Egypt are these: they had erected a temple of Jehovah in Syene; the priests of the Egyptian Anubis were jealous, and on the departure of one Arsam (apparently the Persian Governor of the district), had induced one Widrang, the then Governor, to destroy the temple. This was in the year 411-410 B. C. At the time this took place complaint was made by these Jews of Syene to the Hierarchy in Jerusalem; but with no result. They had also applied to their Persian suzerain; but equally without result. They now, in the year 408-7, appeal again to the Persian Governor.

Now these Jews either knew the Book of Deuteronomy or they did not. If they did not know it, then the critics who place the composition of that Book in the seventh century B. C. because of the disregard of its precepts shown in the Books of Kings—a silence from which critics argue the non-existence of the Book—must, if they would be consistent apply the same principles and say that Deuteronomy was non-existent in the fifth century. The fact that these Jews in Egypt so readily communicated with those in Palestine will not allow us to say that Deuteronomy may have been known in Palestine but not in Egypt.[12] It is, then, practically certain that Deuteronomy was as familiar to them as any other part of the Bible. Yet according to the common interpretation of Deut. 12 and 16, these Jews of Syene flagrantly violated its precepts, for that law forbade the existence of more than

[12] See Esther 11:1; II Macc. 1:1.

one sanctuary. Critics of the Wellhausen-Graf School must of course logically conclude that Deuteronomy did not exist at the time. But is it not much more likely that it is our interpretation of Deuteronomy 12 and 16 which is at fault? For, be it noted, we have absolutely no proof that the Jews interpreted those passages in the rigorous sense which alone it is generally assumed to bear. The Moabite Stone had already told us of an "altar-stone (?) of Yahve," II. 17-18, in Nebo; and this, too, would have been in contradiction to the Deuteronomic Law as generally understood. But both common sense and the whole tenor of Deut. 12 and 16 demand that, whatever restrictions that law put upon the multiplication of the places of worship, they only applied to the Land of Promise itself. How could they have been enforced for a Jew or body of Jews who dwelt outside the limits of that land? And the way in which these Egyptian Jews ask for help from the Jerusalem hierarchy in the rebuilding of their temple is in itself a proof that they had no idea that this very temple constituted an infringement of the Mosaic Law. Are we to suppose that the failure of the Jerusalem priesthood to reply to their request was due to their indignant refusal to acknowledge such a temple since it was schismatic?

These Papyri, then, serve to correct our interpretation of a passage of the Law which has been, according to its false interpretation, made the pivot on which the whole vast structure of modern Pentateuchal criticism revolves.

Nor is this all. It would seem as though these same Papyri bear witness to an acquaintance with the so-called Priestly Code, or legislative portions of the Pentateuch, which critics affirm was only compiled after the Restoration. For these Jews write to Bagoas: "Also until the present day of the 17th year of King Darius no meal-offering (מנחה Lev. 2:1), no offering of frankincense (לבונה Lev. 2:1), or burnt-offering (עולה Lev. 1:1) has been brought to the temple." They promise him, too, that if he comes to their aid, "then will we offer meal-offerings, frankincense, and burnt-offerings upon the altar of the God Jahu in thy name." Now it would be unscientific to see in these words as Prof. Sayce apparently does,[13] a quotation of Leviticus, and it would be perfectly

[13] *Expositor*, Nov., 1911, p. 426.

justifiable to argue that these words only bear witness to the legislative tradition as opposed to the literary tradition of the Mosaic law. They show indeed that the *thing* existed, i. e. the sacrifices of which we read in Leviticus; but they cannot be made to show that the *written account* of them which is preserved for us in Leviticus was actually known to the Jews in Egypt. But we hardly need to be reminded that the critical theory regarding the date of the composition of the Priestly Code is but a theory; it has never been proved. The traditional view, that namely of the Mosaic authorship of the Code, remains in possession until disproved. When, then, a fact like the above reference to sacrifices, which are expressly named in Leviticus, is presented to us, it must be regarded as confirmatory of the tradition. Nor does this reference stand alone; the Marseilles Sacrificial Tablet, dating from the fourth or even the fifth century B. C., reads like a chapter out of Leviticus and we find there the very terms used in Leviticus for some of the sacrifices, e. g. whole-offering, (כלל Lev. 6: 15), and thank-offering, (שלם Lev. 17: 5).

These discoveries do not prove to demonstration the falsity of the critical hypothesis; but they most certainly give us pause. A few brief notes on the several sections of this appeal must suffice us here:

A. This Bagohi is mentioned by Josephus (Ant. XI, vii, 1), as "the General of another Artaxerxes army"; he polluted the temple and forced the Jews to pay 50 shekels on every lamb offered in sacrifice. He seems to have been a stern ruler, for he inflicted condign punishment on the Jews for the murder of Jesus by his brother John the High Priest. Bagoses, as Josephus calls him, insisted, in spite of the protests of the Jews, on entering the temple, saying: "Am not I purer than he who was slain in it?" i. e. Jesus, brother of the High Priest.

F. The temple must have been exceedingly fine. It was clearly not modeled on that at Jerusalem, as was the case with the temple at Onion discovered by Flinders Petrie;[14] for this Egyptian temple had five gates, as opposed to the one gate of the Jerusalem temple. The cedar can only have been brought from the Lebanon; but the quarries of Syene are

[14] Cf. Josephus, Ant. XIII, iii, 3; Wars, I, i, 1; VII, x, 3.

famous, and Prof. Sayce has discovered in one of them the very bases of the columns hewn out for this temple; for the letters BI (an abbreviation in the Assouan Papyri for "house" or "temple") are cut on the rocks apparently to mark out the boundaries of the quarry which the Jews were permitted to use. The bases still standing measure nearly three feet in diameter and consequently the columns of this Jewish temple must have compared favorably with those in the great Egyptian temples. It is curious that its wealth should have proved a temptation, just as did that of the temple in Jerusalem.

G. This temple was then built before the Persian conquest of Egypt, i. e. before 525 B. C. The petitioners state that it was spared by Cambyses, though they do not here state the reasons for this act of mercy. Fortunately the fragment of Papyrus published by Euting comes to our assistance, for there we read: "When the Egyptians rebelled, we did not abandon our Lord, and no harm was found in us. In the 14th year of Darius after that our Lord Arsam fled (?) to that wicked king . . . " The Papyrus is here defective, but it seems to imply that in addition to their act of loyalty when Cambyses came into the country, the Jews were also loyal when Arsam, if the text be correct, played the traitor. The antiquity of this temple confirms the history as given in Jeremias 43, where we are told that the Jews with Jeremias went down into Egypt, and in 44:1, that they dwelt in Migdol, Taphnes, Memphis and in the land of Phatures.[15] The too often scouted Letter of Aristaeus to Philocrates also receives singular confirmation, for Aristaeus says[16] that as many as 100,000 Jews were transplanted into Egypt to fight under Psammetichus against the Ethiopians. Syene was the garrison town established against the Ethiopians, hence the term which recurs so frequently in these Papyri, "the fortress of Jeb." The Papyrus published by Euting and unfortunately so much mutilated seems to show that these Jews were actual members of the garrison and that they were steadfast at a time when Arsam, the Persian Governor, went over to the king of (?) the Ethiopians, and when, too, the priests of the Sera-

[15] Cf. also Ezechiel 29:10, where Syene or Assouan is especially mentioned

[16] See the Letter in Swete, *Introd. to O. T. in Greek*, p. 521, 1st ed.

paeum had proved disloyal and had stopped up the well intended for the use of the garrison.

I. The Jews hardly afford us an edifying spectacle in their joy at Widrang's misfortunes; but we cannot judge them by Christian standards any more than we can condemn the Jews of Esther's day for their wholesale massacre of their enemies.[17]

O. The reference to Sanballat here is exceedingly interesting. He is called "the Ruler of Samaria," i. e. he was the Persian Governor there. He may well be identified with the Sanballat who proved so hostile to the Jews in Nehemias's days, Neh. 2: 10, 19, 4: 1, 7. For those events are expressly dated by Nehemias 2: 1 as taking place after "the twentieth year of Artaxerxes," i. e. in 445 B. C. The Jews of Syene send an appeal not to Sanballat himself, but to his sons, and we may well suppose that in the year 408-7, when the appeal was made, Sanballat was already dead. It is worth while pointing out here a curious mistake on the part of Josephus. He assigns Sanballat, the enemy of the Jews and the father-in-law of Manasses, Neh. 12: 28, to the reign of the last Darius, i. e. Codomannus, 338-331, B. C., and declares that he died after the siege of Gaza by Alexander the Great,[18] thus making him live a century after he really died!

But why did the Jews of Syene appeal to the sons of Sanballat rather than to the Hierarchy at Jerusalem? We have seen, J, that their first appeal was to these latter; but that they had no answer. Their appeal, then, to Sanballat, the Ruler of Samaria, can only have been because the events detailed in Esdras-Nehemias were familiar to them and because they divined rightly enough that they would stand more chance of a favorable hearing from the anti-Judaistic hierarchy at Samaria than from the Jerusalem priesthood. The protocol cited already shows that they were justified in their supposition. But what an extraordinary state of things it portrays. The silence of the Jerusalem priesthood may indicate that they regarded the temple at Syene as schismatic; but the action of those same Jews in appealing to the schismatic temple authorities at Samaria certainly placed them in the position of schismatics.

Such is the picture of Jewish life in Egypt in the fifth cen-

[17] Cf. Esther 9: 13, 18-24.

[18] See Ant. XI, viii, 2-4.

tury B. C. It serves to throw a vivid light on the history of the times, and incidentally it illumines and confirms the Bible history. It only remains for the French excavators at Syene to publish their "finds," when perhaps we shall have a further chapter in the history set before us.

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## THE MOTU PROPRIO "QUANTAVIS DILIGENTIA".

"WHATEVER be the diligence used in framing laws, it frequently proves impossible to obviate every doubt which may subsequently arise from the interpretation of them." Of this the Motu Proprio *Quantavis diligentia* has been itself an example. Without speaking of wilful misrepresentations of its object for political ends, there has not been wanting the usual controversy as to its real bearing and the extent of its application.[1] As Pennacchi remarks, the law of the Church is essentially traditional and any particular decree can be best understood in the light of previous legislation on the matter.

The Motu Proprio *Quantavis diligentia* is not an isolated act; it is one of a series of measures taken by the Church to protect the honor of her clergy by securing for them, even in civil and criminal matters, as far as circumstances permit, a special tribunal before an ecclesiastical judge.

St. Paul considered it a shame for Christians to go and be judged before the unjust and not before the saints (I Cor. 6: 1); and likewise it seemed repugnant to Christian sense that priests and bishops, the fathers and teachers of the faithful, should have to appear before laymen to be judged by them. There could be no question of exemption under the pagan emperors. But soon after the end of the persecutions synods commenced to ask that ecclesiastical causes be brought before the episcopal court.[2] It is only gradually that the rights of the Church were recognized by the State, and not

[1] *The Motu Proprio "Quantavis diligentia" and its Critics*, by the Archbishop of Dublin; *Canoniste contemporain*, December, 1911; *De religiosis et Missionariis supplementa et documenta Periodica*, 15 December, 1911; *Monitore Ecclesiastico*, January, 1912.

[2] III Carthage, c. 9 (397); Chalcedon, c. 9 (451); Agde, c. 32 (506); III Toledo, c. 3 (589).

without occasional friction or struggle.[3] At first it was the purely ecclesiastical matters that were withdrawn from the jurisdiction of secular courts, then the civil or lesser criminal causes of clerics, until finally the principle of the exclusive competence of ecclesiastical judges over clerics, in any case whatsoever, was admitted in the law of Christian nations, as it was explicitly laid down in the canons of the Church. In England this was only in the days of the Norman kings, but much earlier in other countries. The Decretum Gratiani, after quoting from synodal decrees and papal constitutions, concludes: "From the above it is to be understood that a clergyman is not to be brought before public courts either in a civil or criminal case, unless, perhaps, the bishop would not decide the civil case, or in a criminal one, would have degraded the cleric."

But if recognized in principle, the privilegium fori was not always respected in practice. Even in the ages of faith it met with great opposition on the part of kings, dukes, and baronets, always so jealous of the power of bishops. It was one of the main points in contest between St. Thomas à Becket and Henry II. Against the encroachments of material force the Church used her spiritual weapons, censures, excommunications, and interdicts. The Councils of Toledo and of Chalcedon threaten with excommunication any cleric who should cite another cleric before a secular tribunal. The Councils of Cologne (1266), of Exeter (1287), of Leyde (1293), and others pronounce the same penalty against laymen guilty of the same offence. This was principally local legislation. The constitution of Martin V, *Ad reprimendas insolentias* (1 February, 1428), emanating from the supreme authority, is of more universal application. The Pope deplores therein the many violations of ecclesiastical immunity reported to him from different countries: lay judges do not hesitate to drag to their tribunal ecclesiastical persons and institutions, even in causes spiritual in themselves; and what is sadder still is that often this is done at the request of ecclesiastics. Therefore the pain of excommunication is decreed against those ecclesiastics, the judges and other officials, their accomplices, even private persons who took a leading

[3] Baronius: *Annales Ecclesiastici*, a. 387.

part in the proceedings against clerics. "Omnes et singulae personae seculares et regulares . . . omnes et singulos judices et executores . . . eorum officiales et consiliarios et personas privatas quae praemissorum principales perpetratores existerent." [4]

These somewhat severe measures were rendered necessary by abuses which called for energetic repression. Ordinarily the censures were incurred only by the judges and public authorities who presumed to exercise jurisdiction over clerics in defiance of the prescriptions of the canons. The common discipline of the Church for a long period of years was represented by the *Bulla Coenae*, which the Popes used to publish annually on Holy Thursday (In Coena Domini), and parts of which at least remained in force even when it ceased to be thus published. In § 15 of that Constitution there is a sentence of excommunication against legislators who enact laws curtailing the liberty of the Church, and against public officials who bring before their tribunal clerics entitled to the privilegium fori. "Quive ex eorum praetenso officio, vel ad instantiam partis, aut aliorum quorumcumque, personas ecclesiasticas . . . coram se ad suum tribunal Audientiam, Cancellariam, Consilium vel Parlamentum, praeter Juris Canonici dispositionem trahunt vel trahere faciunt, vel procurant directe vel indirecte, quovis quaesito colore: — necnon qui statuta, ordinationes . . . ex quavis causa . . . ordinaverint et publicaverint, vel factis et ordinatis usi fuerint, unde libertas ecclesiastica tollitur, seu in aliquo laeditur vel deprimitur . . ." Private persons are not mentioned here. At a time when ecclesiastical courts were organized everywhere and their authority recognized by the civil power, it was a great abuse on the part of secular judges thus publicly to disregard the law of the Church. It was a sacrilegious invasion of her domain which deserved to be visited with severe punishment. The offence of plaintiffs who appealed for justice to lay courts when they should go to the bishop's, was considered a less grievous disorder, and, under ordinary circumstances, it was not found necessary to deal with them with the same rigor.

[4] Bullarium Magnum. Vol. IV, p. 729.

But in modern times the position of judges, in this matter, has changed. Often they are not free to cite or not to cite clerics to their tribunal; they have to do so or resign their office. Besides the hardships it would entail for many of them, this would tend to deprive society of the services of its most conscientious members in the administration of justice.

The ancient law had to be adapted to present conditions. This was done in the constitution *Apostolicae Sedis*. Chapter VII retains the essential dispositions of § 15 of the *Bulla Coenae*, but with one modification. "Cogentes sive directe sive indirecte judices laicos ad trahendum ad suum tribunal personas ecclesiasticas praeter canonicas dispositiones;—item edentes leges vel decreta contra libertatem aut jura Ecclesiae." The censure strikes now those who compel the judges to bring the clerics before their tribunals ("cogentes"), outside the cases provided for by canon law. That it did not strike the judges and other inferior officials was sufficiently clear from the text and it was moreover declared explicitly by the Holy Office on 15 June, 1870, and on 1 February, 1871. "Excommunicationem eos non attingere, qui subordinati sint, etiamsi judices fuerint, sed in eos tantum esse latam, qui a nemine coacti vel talia agunt vel alios ad agendum compellunt, quos etiam indulgentiam nullam mereri facile perspicies . . . ."[5]

But who are the "cogentes" who incur now the excommunication? Many thought that it must be the parties who refer ecclesiastical suits to secular courts and thus oblige the judges to proceed against clerics. The letter of the law favored that interpretation. There seemed to be no one else to whom the word "cogentes" could apply, since the lawmakers were the object of a special clause. Nor did there seem to be any other effective way of obtaining the end intended by this decree. Some of the best canonists (most of them, says D'Annibale), favored this view at first. Others however objected that this would be a considerable extension of the law, and an extension *in odiosis* ought not to be admitted unless clearly expressed. The parties, moreover, are not always without excuse; they are not "a nemine coacti", when there exist no other but secular tribunals to obtain justice against clerics.

[5] *Acta S. Sedis*, 1870, Vol. VI, p. 433.

Whatever may have been the value of the arguments for the first interpretation, the second prevailed, and it became official by the decree of the Holy Office of 23 January, 1886, which was approved by Leo XIII. "Suprema Congregatio S. R. U. Inquisitionis non semel declaravit caput *Cogentes* non afficere nisi legislatores et alias auctoritates cogentes sive directe sive indirecte judices laicos ad trahendum ad suum tribunal personas ecclesiasticas praeter canonicas dispositiones. Hanc vero declarationem SSmus D. N. Leo Papa XIII probavit et confirmavit, ideoque S. haec Congregatio illam cum omnibus locorum Ordinariis pro norma communicandam esse censuit. Ceterum in iis locis, in quibus fori privilegio per Summos Pontifices derogatum non fuit, si in eis non datur jura sua prosequi nisi apud judices laicos, tenentur singuli prius a proprio ipsorum Ordinario veniam petere ut clericos in forum laicorum convenire possint, eamque Ordinarii nunquam denegabunt, tum maxime cum ipsi controversiis inter partes conciliandis frustra operam dederint. Episcopos autem in id forum convenire absque venia Sedis Apostolicae non licet. Et si quis ausus fuerit trahere ad judices laicos vel clericum sine venia Ordinarii, vel Episcopum sine venia S. Sedis, in potestatem eorundem Ordinariorum erit in eum, *praesertim si fuerit clericus*, animadvertere poenis et censuris ferendae sententiae, uti violatorem privilegii fori, si id expedire in Domino judicaverint." [6] Here it was authoritatively declared that the Chapter *Cogentes* affects only lawgivers and other authorities who compel either directly or indirectly lay judges to bring ecclesiastical persons before judges of the civil courts.

But it was added, as if by way of corrective to the concession thus made, that in places where the derogation of the privilegium fori has not been obtained from the Holy See, if there is no other way of defending one's rights except recourse to the secular courts, the permission of the bishop has to be obtained by any one who wishes to summon a cleric before a civil judge, otherwise punitive measures may be taken against the offender. From this decision we can see how the legislation of the Church concerning the privilegium fori had at this stage of its development become adjusted to the new conditions

[6] Cf. Instructio S.C.P.F., 17 May, 1886.

of society in the various countries. In some the privilege has been partially or totally abrogated by concordats or other provisions sanctioned by the Holy See. These determine the duties and rights of Catholics. In others, episcopal courts are organized and ecclesiastical jurisdiction is exercised: the privilegium fori is in full force and has to be respected by all under pain of sin; but excommunication, *latae sententiae*, would be incurred by legislators only, and not by subordinate officials or private persons. In others again no special arrangements have been made with the State; but neither are there ecclesiastical courts from which justice could be obtained. Clerics may then be brought before the civil judges, although permission must be obtained first, under pain of sin and punishments to be determined by the bishop.

The Motu Proprio *Quantavis diligentia* refers to that legislation, the controversies about the chapter *Cogentes*, and the official interpretation of it given by the Holy Office. Then it goes on: [7]

> But now in these evil times when there is so little regard shown for ecclesiastical immunity that not only clerics and priests, but also the bishops and cardinals of the Holy Roman Church, are brought before lay tribunals, the situation imperatively demands of us that those whom the gravity of the sin does not deter from such sacrilegious crime be restrained within the bounds of duty by the severity of the punishment. Therefore by this our Motu Proprio, we enact and ordain that all private persons, whether of the laity or of the clergy, male or female, who without permission of ecclesiastical authority cite before lay judges any ecclesiastical persons whomsoever, either in criminal or civil cases, and publicly compel them to be present thereat, incur also excommunication *latae sententiae*, reserved in a special manner to the Roman Pontiff.

The occasion and purpose of this decree are sufficiently clear from the text. Since existing sanctions were found inadequate to secure respect for the law of ecclesiastical immunity, new ones had to be added. Nothing is said regarding legislators or judges. For them therefore there is no change. The new provision concerns only private persons. How far does it extend? According to some the Motu Proprio would seem

[7] ECCLESIASTICAL REVIEW, January, 1912, p. 83.

to be nothing more than an interpretation of the Chapter *Cogentes*. They would set aside the interpretation given by the Holy Office, which includes private persons among those who compel judges to bring clerics before their tribunals and who thereby incur excommunication. It would have force consequently under the same conditions and in the same places as the Chapter *Cogentes*. Several reasons however tend to prove that we have to do here with something more than a mere declaration of a previous decision. The more solemn form of the Motu Proprio, the motives assigned for its publication, the formula used ("statuimus atque edicimus"), —all point to a formal and independent enactment. The difference may not be very great between the two opinions as regards the practical results; still it may be of some importance. If the second one is correct, the interpretation given by the Holy Office of the seventh chapter of the Constitution *Apostolicae Sedis* retains its full value, and it remains true that the word *cogentes* in that chapter does not refer to private persons; only now a special measure is taken against them, a new penal law is enacted whereby there is added to the obligation already existing the sanction of a censure—"that those whom the gravity of the sin does not deter from such sacrilegious crime be restrained by the severity of the punishment."

The *Quantavis diligentia* does not directly revoke the first part of the decree of the Holy Office (1886), which interprets the Chapter *Cogentes*, but it completes the second part, which forbids the bringing of a cleric before a secular court without permission of the bishop. This prohibition is henceforth under pain of excommunication "latae sententiae." It is also expressed, in the recent decree, in more absolute terms which suggest that a more rigid application of the law is expected.[8] Formerly the bishops were directed never to refuse this particular permission when asked for, and there was a tendency to consider the asking rather as a formality to be complied with, "only when it could be done conveniently, successfully and without prejudice to one's rights."[9] Now it is simply stated that any one who acts without proper permission is excommunicated.

[8] *Canoniste*, supra, p. 73.

[9] Menghini: An opinion . . . on the Carmont case, p. 28.

The questiion has even been asked whether under the present discipline the excommunication is not incurred also by those who cite clerics before civil courts simply as witnesses, not as defendants.[10] The letter of the present decree does not exclude that interpretation, and some of its expressions are general enough to seem to favor it. Here again may be invoked the principle that in penal matters extension of the law should not be admitted until clearly expressed. But is it not expressed with sufficient clearness?[11] On the same principle, *odiosa sunt restringenda,* there might be acts of complainants which would constitute violations of the privilegium fori and which would not come under the censure.[12] The penalty of excommunication is incurred by those who cite clerics before secular courts and compel them to appear there publicly, "ad tribunal laicorum vocent ibique adesse publice compellant". This would seem to exclude the cases when only a denunciation is made to the public prosecutor that he may proceed *ex officio,* or when the defendant has not to appear publicly before the court. This is another indication that, when framing the decree, the legislator had also in mind the calling of clerics before civil judges as simple witnesses.

But the most vexed question of all has been that of the application of the Motu Proprio. Is it meant to be obligatory everywhere, even in those countries in which by concordats the secular courts are permitted to adjudicate ecclesiastical suits, or where the Chapter *Cogentes* and the prescriptions of the Holy Office have fallen into desuetude? The affirmative answer has staunch defenders who supported it by several arguments. We have here, they said, a formal and independent enactment; it was solemnly promulgated by the supreme authority, to be valid "all things whatsoever to the contrary notwithstanding." It is formulated in most general terms and does not contain the restrictive clauses of preceding decrees: "Praeter canonicas dispositiones . . . in iis locis ubi privilegio fori per S. Pontifices derogatum non fuit." It is intended to remedy evils which may exist anywhere, or at least

[10] Cf. *Il Monitore Ecclesiastico,* January, 1912.

[11] An answer of the Holy Office to the Bishop of Larino officially confirms that interpretation. *Il Monitore,* 31 March, 1912. Cf. *Canoniste contemporain,* May, 1912.

[12] De Religiosis, 15 December, 1911, p. 108.

there is no intimation that they are confined to a particular place. In all likelihood, it will be embodied in the new Code, one of the purposes of which is to establish as far as possible uniformity of discipline. By requiring Catholics everywhere to obtain the bishop's permission before using a privilege granted them, perhaps by concordat or custom, it would not impose upon them so very heavy a burden, nor would it directly derogate from existing contracts. Would not the decree on the other hand be rendered altogether nugatory if the proposed exceptions were admitted? And would not those very countries be exempted in which the reform is most needed?

Much as there may be of real value in the above arguments, they are not sufficient to prove that the intention of the legislator was to preclude all exceptions to his law. It is true, the restrictive clauses of preceding pronouncements are not reproduced here; but from the nature of the case, the connexion of the questions, and the general principles of canon law, they should be understood even if they are not implied in the words "nullo ecclesiasticae potestatis permissu". The penalty is incurred by those who act without any permission of the ecclesiastical authority. Concordats entered into between the Holy See and civil governments contain that permission; although it is a general or indirect one, it suffices, and we have no proof that it has been withdrawn or that any thing has been changed even indirectly in those particular agreements by the present general enactment.

May a well-established custom be considered as equivalent to a general permission? Can there be a legitimate custom against the law of ecclesiastical immunity? Many good canonists deny it, because such custom would be "irrationabilis, contra bonum ecclesiae, corruptela juris," and consequently without the necessary legal approbation of the legislator.[13] Supposing such a custom be not repugnant in itself, will it not in this matter be practically impossible to ascertain its existence, i. e. to prove that it fulfills all requisite conditions, particularly in regard to criminal cases?[14] Might is not right,

[13] Cf. Reiffenstuel, Lib. II, Tit. II, n. 240; Santi, *Praelectiones*, Lib. II, Tit. II, n. 28; *A.A.S.*, 1910, p. 495.

[14] De Religiosis, p. 109.

and silence does not always give consent. And granting that such legitimate customs do exist, have they not been abolished by the Motu Proprio, which is binding, "all things whatsoever to the contrary notwithstanding"? To this last argument one may reply that a general disposition does not abolish particular customs, especially immemorial customs; or, it may be urged, when the legislator intends to abolish them it is the practice of the Roman Chancery to use a formula more explicit than the one used in the present decree. Moreover, all these difficulties have been practically solved by the recent answers of the Holy See. It has been officially declared that the Motu Proprio does not affect Germany for the express reason that there exists in that country a custom to the contrary, and so it is safe to conclude that legitimate customs may be established against the privilegium fori, that their validity may be demonstrated with sufficient certainty, and that wherever they do exist they are not abolished by the Motu Proprio *Quantavis diligentia*. The answer for Germany was not given as an exemption but as a doctrinal interpretation of the papal document by the application of the ordinary principles of canon law. Even if, as has been surmised,[15] it was a concession made for the sake of peace, it would retain its value and remain of universal application. And this all the more, because a similar declaration was made shortly afterward for Belgium, and a little later for Holland. The reason assigned again is the existence of a custom to the contrary.

Hence it is lawful to conclude that wherever the same custom exists the effect is the same; and without having recourse to the Holy See for further decision, it will suffice in each individual case to examine whether, in a given country, the privilegium fori has been in force and whether violations of it have been published or protested against. In this event, ordinarily a consuetudinary right has been created and the Motu Proprio does not apply to that place. It is on these principles that canonists have felt justified in holding that it does not apply to France,[16] Ireland,[17] and English-speaking countries generally. In the United States the episcopal court

[15] De Religiosis, p. 109.

[16] *Canoniste*, December, 1911, p. 712.

[17] Archbishop Walsh: The Motu Proprio.

never could be fully organized, and it has been the practice of Catholics here from the beginning to have their controversies with ecclesiastics decided by lay judges. How far this practice has had the sanction of the Church, the Acts of Councils may help to determine.

In the Third Provincial Council of Baltimore (1837) a decree was enacted "on the bringing of ecclesiastics before civil courts". This decree, when submitted to the Congregation of the Propaganda for approbation, was found too severe.[18] "With regard to the sixth clause," the Congregation answers, "in which there is mention of avoiding the bringing of ecclesiastical causes before the civil courts, the Sacred Congregation decides that the decree should be modified, and if a cleric sues another cleric before a lay judge, upon a matter of *strict* ecclesiastical right, the Council says truly that any one so acting incurs the censures enacted in law. But in mixed cases where the persons may be ecclesiastical but the object in dispute may be temporal, the Council must deal a little more leniently, especially in countries in which the civil government is not in the hands of Catholics, and unless recourse is had to civil courts there is not the means of defending one's rights." Consequently the decree was amended and thus worded: "Cum grave Fidelibus oriatur scandalum, et ecclesiastico ordini dedecus, dum causae ecclesiasticae ad civilia deducuntur tribunalia, hortamur omnes, quorum interest, ut controversias inter eos forte orituras de rebus vel personis ecclesiasticis, amice componant, vel saltem judicio Episcopi submittant. Quod si ecclesiastica vel religiosa utriusque sexus persona, aliam personam ecclesiasticam vel religiosam utriusque sexus, coram civili tribunali temere citaverit de re juris stricte ecclesiastici, noverit se in censuras a jure latas incidere."

The Bishops of the Baltimore Province, in 1837, desired to maintain intact the privilegium fori; but prevailing conditions rendered it impossible, and the Congregation not only allowed but urged them to make the necessary concessions. What that somewhat greater leniency recommended to them was, we may judge from the decree as it stands after the correction.

[18] Collectio Lacensis, Vol. III, p. 56; Concilia provincialia, Baltimori habita, p. 139.

Catholics are exhorted not to bring ordinary ecclesiastical suits before the civil courts. They are not forbidden to do so; nor is there any question of a permission or any other formality to be complied with. This is a toleration which amounts to an indirect approval of the practice and was no doubt commonly understood in that sense.

The First Plenary Council of Baltimore (1852) endorsed that discipline and extended it to all the States which then formed part of the Union. The Second Plenary Council (1866) urges priests to avoid appearing before the secular courts whenever their disputes can be settled otherwise, severely condemns all persons who violate the laws of the Church on ecclesiastical immunities, and quotes the above decree of the Third Provincial Council.[19] There is therefore no new element introduced into the law by this Council, no previously admitted practices are reproved, and the custom existing now for many years against the privilegium fori continues legitimate. It was thus in full force when a few years later (1869) the Constitution *Apostolicae Sedis* was published; and the Chapter *Cogentes* did not revoke it. But it was one of those departures from the common law of which the Congregation of the Propaganda had said, in approving the decrees of the First Plenary Council, that "they were permitted by the Holy See because of the difficulties of the times, but only by way of toleration and provisionally, with the understanding that they should not be given greater stability or extension; rather should measures be taken to endeavor to return to the common discipline."

It was precisely one of the purposes of the Third Plenary Council, as declared by Leo XIII in the letter ordering its convocation, to hasten that return to the law of the universal Church, "ut propius ad commune ecclesiae jus, quantum fieri potest, accedat." On the subject under consideration, consequently, a decision was taken which indicates the efforts made in that direction. In the chapter "De vita et honestate clericorum," the Fathers of the Council again declare that it is a

[19] "Ecclesiae honorem temnit et sacros canones conculcat, quicumque ecclesiasticae vel religiosae personae, de rebus quae ad forum ecclesiasticum pertinent, coram profano judice litem intenderit. Quo spectat decretum, quod sequitur, a praedecessoribus nostris latum, *Cum grave* . . . ". N. 155.

source of grave scandal to the faithful to bring ecclesiastics before the civil courts; therefore priests are exhorted whenever there arises some difficulty even with laymen and about temporal matters not to go before lay judges, either as plaintiffs or as defendants, if it can be avoided. They are strictly forbidden to sue a layman before a civil court to recover money due to the church for pew rent or for any other cause, without the written permission of the bishop. They are reminded of the divine law by which purely ecclesiastical matters are under the exclusive jurisdiction of the Church, and of the censure which is incurred by all those who have recourse to the secular power to prevent the exercise of ecclesiastical jurisdiction. Then a disposition which was not found in the acts of the preceding Councils is expressed in the following words: "Ad tuendam porro immunitatem ecclesiasticam, quatenus inter nos fieri potest, districte *iisdem* prohibemus, ne contra sacedotem vel clericum de rebus *etiam temporalibus* coram judice civili litem intentent sine permissione scripto expressa ipsius Episcopi." The law is intended to protect ecclesiastical immunity, i. e. to enforce as much as is possible of the law of the Church concerning immunity; it is for priests; not for laymen, for whom therefore the implicit permission to sue clerics before lay judges remains valid or is even indirectly confirmed. The custom remains intact; to them consequently neither the decree of the Holy Office of 1886, nor the Motu Proprio *Quantavis diligentia* applies. But for priests, whatever general, implicit authorization they may have had before, in common with the faithful, to sue other ecclesiastics before the civil courts, when the matter was not in itself ecclesiastical, is now withdrawn. As no new legitimate custom has been established since 1884 a priest who sues a cleric before lay judges without leave of the bishop, or a bishop without leave of the Pope, falls under the censure enacted in the Motu Proprio, "nullo potestatis ecclesiasticae permissu".

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## REMINISCENCES OF MAYNOOTH.

### IV. "VACAT AD DEAMBULATIONEM."

IN contrast to the "docetur" which in the college calendar meets the eye with ever recurring regularity, and which succintly sums up the scholastic program of each day, we find on Wednesday: "feria IV, post meridiem vacat ad deambulationem". The weekly walk was an ever welcome relaxation from the monotony and routine of the students' daily day. The time ordinarily occupied by study and class was on Wednesday devoted to this. Arrayed in their ordinary clerical "shorts" and biretta, the students congregated after lunch and awaited the leader of the walk, who was usually one of the deans, but in the Junior House always a monitor. These monitors, six in number, were appointed from the Fourth Year's divines at the beginning of the academic year. They had their rooms in the Junior House, and had their places in the Junior refectory, but of course attended the daily lectures on Theology and Scripture in St. Mary's, with the other students of their year. Their duties were not onerous; but they were always available to read morning or evening prayer on any occasion on which the dean was unavoidably absent.

The dean generally picked out two students to accompany him. Every student was obliged to go on the public walks save such as obtained express permission of the dean "to stay in." Those to whom such exemption was extended were not free to indulge in any other form of outdoor exercise or to practise music during that time. Latterly, I believe, the rule has been relaxed, so that now the Wednesday walk is entirely optional. There was one dean—he has since gone to adorn the episcopal bench—a very upright and strictly conscientious man, whose bête-noir was chicanery or subterfuge or double-dealing in any shape or form on the part of a student. As a certain old Roman senator was accustomed to begin and end all his forensic efforts with the fateful words "Delenda est Carthago", so the alpha and omega of all Dean X's discourses to the students was: "Be men; act as men; be not eye-servers, but obey exactly the rule of the college. If you do happen to be detected in the violation of rule, then again I say be men,

and don't try to hide your guilt by flimsy excuses which nobody believes."

The principle, it must be admitted, is sound and I have no doubt that in places where the violation of a rule entails less serious consequences than in Maynooth, it might appeal to the integrity and high sense of honor of those concerned; but students, even ecclesiastical students, are not quite angels, and violations of some rules there are bound to be from time to time. The consequences of these violations do not tend to enhance a student's reputation in the eyes of his superiors, and who will blame a student who, having violated a petty rule, tries by all fair and legitimate means to avoid detection or escape punishment? Of course there is no excuse for a student who violates serious or important rules. He deserves any punishment which his fault may entail.

I remember one occasion when, during the public walk, two students who had permission to remain in, prepared to have a quiet game of handball in the corner of one of the ball-alleys. The game had not proceeded far when Dean X. . . . was seen approaching. He was at a respectful distance, but there could be no doubt he had seen them. Whether however he was sufficiently near to recognize them was a question about which they were not very sure. One of them evidently concluded that the safest course to pursue in the circumstances was to make off. Accordingly he grabbed his soutane and biretta, and disappeared as quickly as he could; the other, in pursuance of the high and righteous principles which he had heard so often inculcated, and considering this an admirable opportunity of putting them to the test, quietly remained where he was till the Dean came up.

"You are aware, Mr. O'Byrne, that you have been openly and deliberately violating the college rules. Have you any explanation to offer?"

"No sir!" came the answer of O'Byrne who did not consider his act a very serious violation of rule.

"Very well then. I must say I admire your manly and upright conduct in not running away, but of course I must take a note of the offence all the same." And so it was done.

There were many students of sedentary habits, myself amongst others, for whom these weekly walks had little fas-

cination, and who went only when they could find no adequate excuse for remaining behind. The country was flat, monotonous, uninteresting, and very sparsely populated. Moreover the walks were frequently so very long and the pace so unnecessarily fast that they ceased to be a recreation. The students generally returned mud-bespattered, tired, and perspiring, and occasionally late for dinner. To enter a house on the occasion of a public walk was looked on as a serious offence and punishable with the severest penalties—expulsion, I think; whilst any student or students who got unattached and failed to return with the main body were liable to be called up for explanation and perhaps similarly dealt with. It was customary to arrange an exceptionally long walk on Easter Monday. This was a free day, and the walk generally started about eleven o'clock. Sometimes it lead to Clongowes Wood College, and sometimes to Wolfe Tone's grave or to Lucan, where you might regale yourself with a draught of sulphuretted hydrogen for a nominal consideration. This Easter Monday walk was the only occasion on which it was not considered unconventional and altogether *outré* for a junior to carry a stick or umbrella, although amongst the divines such a custom was the rule rather than the exception.

The time usually set apart for Spiritual Reading was on Wednesday evenings regularly devoted to a sermon preached by one of the divinity students. If not always a triumph in elocutionary art, these sermons were at least generally masterpieces of English prose. I have rarely heard or read finer compositions than were those sermons delivered by the students in Maynooth. From a rhetorical point of view, they left little to be desired, any slip or imperfection being more frequently due to extreme nervousness or to thoughtlessness than to want of preparation or ability. These sermons were always immediately after subjected to the public criticism of the presiding dean.

Besides the public walk, many forms of recreation were provided for the students in the college, the principal being handball, football (both Rugger and Soccer), hurly, tennis, and an open air gymnasium in each Division. In all of these branches of sport there was much good, not to say, first rate talent. Handball was the game most popularly indulged in,

there being no less than eighteen first class ball-alleys, and in this department at any time might be found a team which would hold its own against any body of secular champions. Indeed Maynooth some 16 or 17 years ago was proud to own the champion handball player of the world in the person of Tom Jones, now Father Jones, a worthy priest of the Diocese of Kerry. In the ball-alley he was a marvel of speed, keenness, and dexterity, a clever strategist, always sure, accurate and alert, who when in form could be relied on to toss a practically unplayable ball, or butt a flying ball with the back of his heel with greater accuracy than most players could do it with their hands. In other branches of athletics the students were almost equally prominent. Some of them, finding they had no ecclesiastical vocation, having passed "ad vota saecularia", afterward figured as prominent international footballers. Maynooth could at all times boast of pedestrians amongst its students, whose records for the mile, quarter mile, or 100 yards, compared favorably with the best international championship performance. I wonder how many were aware that the runner who, under the pseudonym of "P. O'Rourke", won the international quarter mile at Celtic Park, Glasgow, in 1907, was a young Maynooth priest at the time just recently ordained. He was only one of many who might have successfully aspired to championship honors.

In a vast institution like Maynooth where sickness and accident were naturally unavoidable, the infirmary was a necessary and valuable equipment. Of such there were two, one attached to the Junior House and another for the benefit of St. Joseph's and St. Mary's. Each was under the care of a matron, and the doctor attended officially once a day and as often afterward as he was called in. Besides there was a visiting physician, a surgeon, and a dentist, all of them men of high standing in their professions.

An infirmary is an institution one does not generally associate with happiness or pleasure, yet there are many of us who will feel that some of the happiest days of the students' college life were spent in the Maynooth infirmary. I should also add—some of the most miserable. Happiness—perhaps contentment is a better word—being a relative quantity, is entirely a matter of contrasts, reactions, and comparisons.

The Maynooth infirmary was to me, and I have no doubt to many others, an oasis in the desert. After three or four months of the grind and the monotony of collegiate life, a week's respite is not only useful but sometimes necessary. A relaxation of the high pressure, to which the *semper et pro semper* cast-iron regulations of the Division subject one, is helpful both from a spiritual and material point of view. In my time the infirmary contained in the language of Susan Nipper both "permanents" and "temporaries". The former, of whom there were only three or four, were delicate students who had permission to live in the infirmary, "cum privilegio", and who consequently enjoyed all the advantages and prerogatives which such residence brought with it. The six o'clock bell had no terrors for them, and they enjoyed other privileges and immunities from rule which helped to make tolerable what must have otherwise proved a very dreary existence. Apart from these the Infirmary patients were divided into two classes, the "Top List" and the "Low List". The former embraced those whose ailments were serious enough to make residence in the infirmary a necessity, and while on the infirmary list they were not permitted to attend class. The "Low List" patients slept in their own rooms in the Division, were obliged to attend class, but took their meals in the infirmary and were permitted to sleep till 8 o'clock in the morning. A student going to the infirmary was of course obliged to give notice to the dean of the Division, otherwise complications might easily arise, and marks of absence from duty be registered against a student. I was not a habitué of the Infirmary, going there only when necessity compelled me, generally when I succumbed to an attack of influenza. But having been installed there, I was equally reluctant to leave it, and it was always with a feeling akin to homesickness that I did so. Yet some of those days were dreary and lonesome enough, as when lying on the narrow bed, feverish and sick, one was trying to beguile the time by counting and mentally calculating all manner of arithmetical problems which the objects in the room suggested, from the number of spots on the opposite wall to the most accurate measurements which would place the suspended electric globe in the exact centre of the ceiling.

"A fellow-feeling makes us wondrous kind", and so the students became more friendly and intimate and in a short time got to know one another better in the infirmary than was possible during years in the Division. There is a rather conservative spirit in Maynooth. Each diocese keeps much to itself. Those who are fond of games of course mix freely in the ball courts and elsewhere, and become intimate friends; but there may be and are students who during the whole six or seven years of their course never exchange even common greetings. Amongst the students, and more so between the students and professors, there is a surprising absence of freedom of communication and a rigidity of convention which to one looking back on it seems hardly called for.

I have already said that in the infirmary the students got to know one another more thoroughly, and many who perhaps had previously never spoken to each other became intimate and life-long friends. During this convalescent stage, when the bed no longer claimed us by day, many kinds of harmless and informal entertainments were indulged in, and every one who could contributed in his own fashion to the pleasure and enjoyment of the rest. Harmless relaxation of this kind was likely to be overlooked provided it did not develop into unnecessary boisterousness and *gaieté de cœur*, or tend to the annoyance and inconvenience of a patient. There was always to be found varied talent—orators, humorists, singers, and musicians, in all of which departments considerable ability was displayed. Indeed we were a perfectly happy family except when we were disturbed by the unexpected apparition of one of the deans who resided permanently in the infirmary, while sometimes we were honored by a flying visit from the President or Vice-President, who were naturally interested in the general health of the institution.

This is the attractive side of the picture. But when—at rare intervals though it might be—Death, that "Angel of the darker Draught", came to claim some young and promising life from among us, it was very different. I can still see the procession of white-robed clerics slowly wending their way to the little cemetery, and hear the plaintive Dies Irae or the solemn strains of the Benedictus, mingled with the heart-broken sobs of sorrowing and bereaved relatives, as we

carried to his grave some one from the halls of Maynooth College.

In the Maynooth infirmary too the old order of things has I believe, changed. Many time-honored traditions have passed; innovations have been introduced and the change is decidedly for the better. Confided to the matronly care of the good Sisters of Mercy, the sick are now assured of that sympathetic attention and considerate treatment which can hardly be always expected from professional matrons or nurses.

## V. Some Stray Reflections.

What strikes you on being suddenly brought into communication with the variety of types which constitute a great college like Maynooth, is what for want of a more appropriate term one might call "provinciality".

Some distinguished essayist has remarked that "all educated and thoughtful people are confronted at times with modes of thought, with points of view, with systems of argument, or with habits of expression which for one reason or another they call 'provincial'; it is equally certain that if asked for some definition of the term which should include all admitted instances of its application, and yet possess some historical and logical propriety, they would be severely posed for an answer." To the Londoner everything and everybody outside the great Metropolis is provincial, and although modern conveniences of travelling and of communicating thought have established a close alliance, the term still retains much of its original significance, and to the dweller in the metropolis denotes the same coördinate extension as the term "barbarian" did to the ancient Greeks.

It is quite outside the scope of this paper to seek the various shades of meaning which can be read into the word. As it is sometimes taken to signify the antithesis of universal, it comes in this connexion quite near enough to comprehend that difference of tastes and habits, that variety of modes of speech and expression, that peculiarity of manner and idea, that spirit of rivalry shall we say which distinguish the Irishman of the West from that of the East and the Northern from his vis-à-vis of the South. It may seem strange that the rest of Ireland has been taught to regard the denizens of the Black North

as being almost outside the pale of Irish nationality and look on him as a sort of hybrid product of Scotch and Irish ancestry, possessing but little of the Celtic temperament and becoming gradually nationalized only by long associations; but the stiff frigidity of the Northern, although in striking contrast to the hot-blooded impetuosity of his brother Gael, will be found to shelter a warm and generous heart, a courage and unswerving devotion to his Faith, and an undying love for his country which the Catholic Church abroad has long since learned to appreciate at its proper value in the Celt.

There are of course the provincial peculiarities of which I spoke. On a first acquaintance the accent and speech of Cork or Kerry are as puzzling and unintelligible to the Northern as the proverbial Greek is to the "man in the street"; while I have no doubt the flavor of the Doric of the "unspeakable Scot" which is traced in the speech of Ulster, is quite as bewildering to him. The peculiarities of pronunciation and of language which are characteristic of the various Provinces are frequently the occasion of good-natured chaff and raillery among the students themselves,—the short *i* of the Northern in such words as "Wind" and "swim", and the short "*a*" and redundant "*h*" of the Western being the subject of much comment. Professor Joyce in his book *English as it is Spoken* remarks that no Irishman can correctly pronounce the "*h*" in such words as "Three", "thunder", etc. This is an exaggeration, although it may be true that in many parts of Ireland the pronunciation "tree" and "tunder" is quite common.

It was not alone in the matter of idiom and pronunciation that the North and West were wont occasionally to cross swords. There were other little traditional differences. The Westerns were accustomed occasionally to refer jocularly to their brethren of the North as the "foal eaters", while they in turn would retort that some time away back in the twilight of history the Connaught people killed and ate St. Patrick's goat, an offence which must be deeply resented by all true and patriotic Irishmen.

Other phases of local and what Matthew Arnold would style "academic provinciality," such as are found in every college or university, might be here mentioned as peculiar to

Maynooth, if space permitted it. Many incidents, pleasant and otherwise, come back to memory which at the time formed the subject of much discussion or perhaps good-natured raillery in the batches. Encounters with the dean, ridiculous and sometimes embarrassing situations, bon mots in class, the harmless fads and peculiarities of some of the students, naturally supplied a fund of interest and topics of conversation which in our restricted surroundings were always very welcome.

Apropos of peculiarities of certain students, there was a story current in Maynooth of one who had developed a mania for knocking doors. In the early stages he was satisfied with a gentle tap on the door of any empty room he might chance to pass; but as the idiosyncracy developed it didn't matter whose door it was. The violence of the impact varied too in proportion as the inclination increased. There was one venerable professor whose rooms were quite convenient to the stair-landing where the students were accustomd to go up and down. On one occasion this particular student happened to be passing down, and, embracing a favorable opportunity, he gave a loud sharp rap on the door, and disappeared down the stairs as quickly and as noiselessly as he could. Just at that particular moment another student happened to be coming up, who, having reached the professor's door, met the latter as he came out of his room to relieve his feelings by a few pertinent remarks on the conduct of students in general and the lamentable absence of ecclesiastical decorum in this student in particular, with mutterings about this thing going on too long, and threats (now that he had found the culprit) of an appeal to the administrative Council and the subsequent pains and penalties which might be expected.

Many of the students in Maynooth devoted their leisure hours to music, either vocal or instrumental. In the corridors, the discordant and conflicting notes of nearly every known musical instrument might be heard at one and the same time. While some of the performers acquitted themselves with a high degree of proficiency, in the majority there was a notable absence of that charm of " magic numbers and persuasive sound " which the poets tell us " soothes the savage breast and softens rocks and moves the things inanimate with living souls ".

In the vocal order, however, the college choir under the tutorship of its distinguished professor was trained to a high standard of artistic production, as any one who has heard it will testify, the performances of the select choir in the college chapel on Sundays and great feasts representing the last word in musical harmony.

In this connexion there was a most impressive and informal little function that those who ever heard it must have a most pleasant recollection of. This was the singing of the Adeste on Christmas morning. The college choir assembled on the Square in the small hours of the morning when the rest of the students were still fast asleep, and as the harmonious strains of the beautiful hymn were borne to our slumbering senses on the wings of the dawn, one could almost fancy he was listening to the "Gloria in Excelsis" of the angelic midnight chorus which proclaimed that first "far off divine event" that brought joy and happiness to the human race.

Most priests in glancing back over their student days will probably recall the deep satisfaction with which on returning from vacation they entered on the last term of their college career. Their years of striving were nearly at an end. The goal of their ambition was well within view; the prize almost within their grasp. It is because of that eagerness I suppose that the last year seems to go by with the measured and painful slowness of an hour hand. It is in more senses than one a year of preparation. Five or six years in an ecclesiastical college like Maynooth leaves little to be done in the spiritual and supernatural order. The ecclesiastic with a true vocation who has pursued his course with due regard for rule leaves his Alma Mater as well equipped for his task, spiritually and intellectually, as mortal may hope to be. If he should afterward lapse from the path of virtue, it will be generally found to be a fall of gradual growth, a case where self-assurance and over-confidence override a due regard for that soundest of moral principles "obsta principiis". "Nemo repente fit turpissimus" is a principle which ascetics inform us recognizes no exceptions. It would be well if students realized more fully that the virtue they will require in the world is not of the "fugitive and cloistered order, unexercised and unbreathed", but that after college days their lives become a

"race where that immortal garland is to be run for, not without dust and heat".

There are always in Maynooth not a few students destined temporarily for missions abroad, their own bishops not requiring their services for four or five years or perhaps longer. Most of the prospective young priests I think rather relished the idea of going abroad, and their interview with the various foreign bishops who called at Maynooth was always for them an interesting function, although in many cases, I am afraid, disappointing for the bishop, as the percentage that volunteered for foreign dioceses, like those of Australia, South Africa, and the United States, was small in comparison with the numbers that preferred to accept missions in England and Scotland.

Whatever reluctance young priests may have to go abroad (very often due to family consideration), perhaps the greatest tribute that can be paid the Foreign Missions like America and Australia is the fact that the young priests who go to these countries manifest no desire to return again to the native heath, unless by way of vacation; whereas few Irish priests choose to remain permanently attached to a Scotch or English diocese when they can get one equally suitable at home.

As the end of the year approached, it was customary for many of the "fourth" divines to get a day in Dublin—not collectively of course, but individually. There were so many things in the way of clerical outfit that could not easily be procured without a visit to the metropolis. There was a student in my time who had a sort of *carte blanche* to go out as often almost as he liked—at least until his business was satisfactorily completed. He had been negotiating with, I think, the Bishop of Cleveland (Ohio) for a mission in that Diocese, which negotiations were to be finally determined after the prospective candidate had submitted to his Lordship six original sermons and a photograph. The sermons were duly despatched. The photo of course necessitated a visit to Dublin, but whether the artist was unskilful or the lines of the young levite's features did not lend themselves to satisfactory reproduction, I know not; at all events the photographing had to be repeated several times. Whatever the ultimate result, it became known that negotiations with the American

Bishop were eventually broken off, causing a good deal of chaffing, whilst everybody realized that it was a privilege for any young priest that his services should be required in his own native diocese.

The intellectual tests were of the usual order. The ordination examination was the last fence. If a student stumbled, which indeed very rarely happened, it was usually rather due to nervousness than to want of knowledge. An examination is deemed necessary, but the authorities no doubt take consideration of the fact that a student who has come so far successfully through his course and satisfied his various professors, has acquired the necessary knowledge for the efficient discharge of his professional duties, however indifferently he may acquit himself at the examination for Orders.

In every ecclesiastical college ordination to Priesthood is the most important event of the year. For the *ordinandi* it is no doubt the most serious step of their lives, and one which leaves a lasting impression that time can never dim, a recollection which often amid the struggle and battles of after life brings back to them most pleasant and happy memories. One watching the *ordinandi* vesting in the cloister for the ceremony might notice many whose demeanor betrayed unmistakable signs of diffidence and anxiety almost approaching timidity, and whose apparently sleepless and anxious vigil of the night before showed how truly they realized the tremendous responsibility which is not to be lightly undertaken.

Somebody has remarked that "there comes to every human life a period when its cup of human happiness seems to be full to overflowing. That period may be long or short, but everybody drinks out of that cup once." Every true priest will agree that the realization of that happiness comes to him on that day when he hears pronounced upon him by the ordaining prelate those solemn and mysterious words: "Accipe potestatem offerre sacrificium Deo, Missasque celebrare . . . in nomine Domini,"—surely the highest trust that can be reposed in mortal man. Whilst it may be true of other kinds of happiness, that

> The distant object which we covet most
> When once enjoyed is in possession lost,

the poet here leaves out of count this crowning glory of a student's life. Possession intensifies the happiness which was only vaguely realized in anticipation. With what pleasurable memories every priest will call to mind the solemn and majestic strains of the Veni Creator whilst the bishop in sacred and imposing tones pronounced the form of unction "Consecrare et sanctificare digneris, Domine, manus istas per istam unctionem et nostram benedictionem." And then the ceremony proceeded while the *ordinati* celebrated the Holy Sacrifice with the bishop, and seventy or eighty young priests were added to the Church to spread the light of Christ's Gospel, to carry His message of love and mercy, and minister to souls committed to their zealous trust.

The two or three days which intervened between the ordinations and the final exodus from the college passed quickly. One felt a joyous sense of freedom, a new feeling of independence and emancipation such as could be appreciated only after six or seven years of confinement and obedience to rule.

On the eve of our departure the Te Deum in the college chapel was sung with all the power, effectiveness, and devotion which we could impart to it. After supper we had a few parting words of farewell with the companions of our studies, and next morning the great gates closed behind us as silently as they had before opened to receive us. The guardian sphinx looked down from its pedestal with its mysterious and inscrutable gaze on the passing of another contingent of the soldiers of Christ into the battlefield of an incredulous and hostile world.

P. SHERIDAN.

*Dungloe, Ireland.*

# Analecta.

## ACTA PII PP. X.

EPISTOLA AD R. P. D. IACOBUM DUHIG, EPISCOPUM ROCKHAMPTONENSEM, DE QUINQUAGENARIIS ILLIUS ECCLESIAE SACRIS SOLLEMNIBUS.

Venerabilis frater, salutem et apostolicam benedictionem. Faustum catholicis hominibus istius regionis proximum mensem septembrem accepimus fore, exeunte anno quinquagesimo ex quo ecclesiae Rockhamptonensis initia sunt posita: cum quidem in id tempus festi sollemnes dies apparentur, atque in huius laetitiae societatem episcopi omnes ex Australia, cum magno praesertim sacerdotum comitatu, venturi sint. Scilicet hoc Nos perlibenter intelleximus; tibique ac ceteris rei auctoribus et ducibus prolixe, vestrum laudando et probando consilium, suffragamur. Novimus religionis christianaeque humanitatis celeres istic progressiones factas; ut exiguam illam *Missionem* Rockhamptonensem ampla dioecesis eaque satis bene constituta, haud ita longo intervallo, exceperit: omninoque est aequum vos propterea, cum facti memoriam celebrare, tum debitas Deo persolvere gratias, atque ex commemoratione beneficiorum eius fidenter ad maiora niti. Cete-

rum, vestram prospicientes diligentiam, itemque tantam cleri Australiani concordiam, quanta hic praeclare elucet, non solum de ista dioecesi, sed de tota Australia catholica melius sperare iure videmur. Itaque existimetis volumus, vestris Nos sacris sollemnibus animo praesentes adfore; quae ut fructus optatos pariant, tibi, venerabilis frater, et omnibus qui ea ipsa celebrabunt, apostolicam benedictionem, auspicem divinorum munerum, amantissime impertimus.

Datum Romae apud S. Petrum, die IX mensis maii MCMXII, Pontificatus Nostri anno nono.

PIUS PP. X.

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## S. CONGREGATIO S. OFFICII.

### I.

DECRETUM DE DISPENSATIONIBUS SUPER IMPEDIMENTO DISPARITATIS CULTUS ABSQUE DEBITIS CAUTIONIBUS NUNQUAM CONCEDENDIS.

In plenario conventu supremae sacrae Congregationis sancti Officii habito feria IV die 16 aprilis 1890, proposita quaestione: "An in concedendis ab habente a Sancta Sede potestatem dispensationibus super impedimento disparitatis cultus praescriptae cautiones semper sint exigendae", Emi ac Rmi DD. Cardinales in rebus fidei et morum Inquisitores generales, re perdiligenti examine discussa, respondendum decreverunt: "Dispensationem super impedimento disparitatis cultus nunquam concedi, nisi expressis omnibus conditionibus seu cautionibus".

Eademque die ac feria Ssmus D. Leo PP. XIII, in solita audientia R. P. D. Adsessori eiusdem supremae sacrae Congregationis impertita Emorum Patrum resolutionem benigne adprobare et confirmare dignatus est.

Contrariis quibuscumque non obstantibus.

Datum Romae, ex aedibus S. Officii, die 21 iunii 1912.

L. * S.

ALOISIUS CASTELLANO, *S. R. et U. I. Notarius.*

## II.

DECRETUM DE DISPENSATIONE SUPER IMPEDIMENTO DISPARITATIS CULTUS ABSQUE DEBITIS CAUTIONIBUS IMPERTITA.

In plenario conventu supremae sacrae Congregationis sancti Officii habito feria IV die 12 iunii 1912, propositis dubiis:

1° Utrum dispensatio super impedimento disparitatis cultus, ab habente a Sancta Sede potestatem, non requisitis vel denegatis praescriptis cautionibus impertita, valida habenda sit an non? Et quatenus negative:

2° Utrum hisce in casibus, cum scilicet de dispensatione sic invalide concessa evidenter constat, matrimonii ex hoc capite nullitatem per se ipse Ordinarius declarare valeat, vel opus sit, singulis vicibus, ad Sanctam Sedem pro sententia definitiva recurrere?

Emi ac Rmi DD. Cardinales in rebus fidei et morum Inquisitores generales, omnibus mature perpensis, respondendum decreverunt:

Ad 1.$^{m}$ Dispensationem prout exponitur impertitam esse nullam.

Ad 2.$^{m}$ Affirmative ad primam; negative ad secundam partem.

Et sequenti feria V die 13 eiusdem mensis Ssmus D. N. D. Pius divina providentia PP. X in solita audientia R. P. D. Adsessori eiusdem supremae sacrae Congregationis impertita Emorum Patrum resolutionem benigne adprobare et confirmare dignatus est.

Contrariis non obstantibus quibuscumque.

Datum Romae, ex aedibus S. Officii, die 21 iunii 1912.

L. * S.

ALOISIUS CASTELLANO, *S. R. et U. I. Notarius.*

## III.

DECRETUM DE PAROCHI ADSISTENTIA MATRIMONIIS MIXTIS IN QUIBUS PRAESCRIPTAE CAUTIONES A CONTRAHENTIBUS PERVICACITER DETRECTANTUR.

Cum per Decretum *Ne temere* diei 2 augusti 1907, n. IV, expresse ac nulla facta distinctione edicatur parochos et locorum Ordinarios *valide* matrimonio adsistere, *dummodo invitati ac rogati . . . requirant excipiantque contrahentium con-*

*sensum;* graves in praxi difficultates ortae sunt relate ad mixtas nuptias in quibus, denegatis pervicaciter a partibus debitis cautionibus, Sancta Sedes, attentis peculiaribus quorumdam locorum circumstantiis, *materialem tantum parochi praesentiam*, per modum exceptionis ac veluti ultimum tolerantiae limitem, antea aliquando permiserat.

Re delata ad supremam hanc sacram Congregationem sancti Officii, cui ex praescripto apostolicae Constitutionis " Sapienti consilio " *integra manet . . . facultas ea cognoscendi quae circa . . . impedimenta disparitatis cultus et mixtae religionis versantur*, atque in plenario conventu habito feria III, loco IV, die 21 maii 1912, praevio Rmorum DD. Consultorum voto, perdiligenti examine discussa, Emi ac Rmi Dni Cardinales in rebus fidei et morum Inquisitores generales, omnibus mature perpensis, decreverunt:

" Praescriptionem Decreti *Ne temere*, n. IV, § 3, de requirendo per parochum excipiendoque, ad validitatem matrimonii, nupturientium consensu, in matrimoniis mixtis in quibus debitas cautiones exhibere pervicaciter partes renuant, locum posthac non habere; sed standum *taxative* praecedentibus Sanctae Sedis ac praesertim s. m. Gregorii PP. XVI (Litt. app. diei 30 aprilis 1841 ad episcopos Hungariae) ad rem concessionibus et instructionibus: facto verbo cum Ssmo ".

Et sequenti feria V die 23 eiusdem mensis Ssmus D. N. D. Pius divina providentia PP. X, in solita audientia R. P. D. Adsessori huius supremae sacrae Congregationis sancti Officii impertita, relatam sibi Emorum Patrum resolutionem benigne adprobare ac suprema sua auctoritate in omnibus ratam habere dignatus est.

Contrariis quibuscumque, etiam speciali atque individua mentione dignis, non obstantibus.

Datum Romae, ex aedibus S. Officii, die 21 iunii 1912.

L. * S.

ALOISIUS CASTELLANO, *S. R. et U. I. Notarius.*

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## S. CONGREGATIO INDICIS.

Decreto S. Congregationis diei 6 maii proxime elapsi laudabiliter se subiecit E. Th. de Cauzons.

Romae, die 15 iunii 1912.

THOMAS ESSER, O.P., *Secretarius.*

## S. CONGREGATIO RITUUM.

### I.

DECRETUM PRAEFIXUM VOLUMINI VI, SEU APPENDICI I (AB ANNO 1900 NUM. 4052 AD ANNUM 1911 NUM. 4284, CUM SUO INDICE GENERALI) OPERIS CUI TITULUS: "DECRETA AUTHENTICA CONGREGATIONIS SACRORUM RITUUM EX ACTIS EIUSDEM COLLECTA EIUSQUE AUCTORITATE PROMULGATA".

URBIS ET ORBIS.

Decreta, quae in hoc Volumine sexto (Appendice I) Collectionis Decretorum sacrae Rituum Congregationis continentur, sanctissimus Dominus noster Pius Papa X, referente infrascripto Cardinali sacrorum Rituum Congregationi Praefecto, apostolica Sua auctoritate approbavit, atque authentica declaravit. Contrariis non obstantibus quibuscunque, etiam speciali mentione dignis.

Die 24 aprilis anni 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

L. * S.

✠ PETRUS LA FONTAINE, Episc. Charystien., *Secretarius.*

### II.

DECRETUM SEU DECLARATIONES CIRCA NOVAS RUBRICAS.

Ad praecavendas dubitationes, quae super recta interpretatione tituli X, n. 2 et 5 novarum rubricarum quae sequuntur constitutionem *Divino afflatu* oriri possunt, R. Rituum Congregatio, audito Commissionis Liturgicae suffragio, sequentes declarationes evulgare censuit, nimirum:

I. Quandocumque in feriis maioribus Missam propriam habentibus ceterisque diebus, de quibus tit. et num. supracitatis, Missa de feria celebretur, dummodo reapse pro defunctis applicetur, addi potest oratio pro defunctis in quorum suffragium celebratur, etiamsi in ea agenda sit commemoratio de occurrente festo duplici minori vel maiori.

II. Huiusmodi oratio pro defunctis non excludit in casu orationes de tempore, nisi occurrat commemoratio duplicis.

III. Quando additur ista oratio pro defunctis, non est attendendus numerus orationum utrum sit dispar an non.

IV. Haec eadem oratio pro defunctis, semper recitari debet poenultimo loco inter orationes ea die a rubricis praescriptas vel permissas, non computatis collectis ab Ordinario imperatis.

V. Oratio pro defunctis in quorum suffragium Missa de feria applicatur, addi potest, etiamsi ea die a rubricis praecipiatur oratio *Omnipotens sempiterne Deus* pro vivis et defunctis, vel *Fidelium* pro omnibus defunctis.

VI. Ut rite legitimeque applicari possit pro defunctis indulgentia altaris privilegiati, oportet ut, diebus in quibus a novis rubricis permittitur, missa de feria omnino celebretur, addita ut supra oratione pro defunctis pro quibus Missa ipsa celebratur.

VII. Licet iuxta novas rubricas tit. VIII, n. 2, cessata sit obligatio recitandi in choro officium defunctorum, nihilominus adhuc servari debet rubrica missalis tit. V, n. 1 et 2, circa Missam pro defunctis celebrandam, sive in cantu cum praesentia choralium, si agatur de Missa conventuali, sive lectam extra chorum iuxta novas rubricas tit. XII.

Die 12 iunii 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

L. * S.

✠ PETRUS LA FONTAINE, Episc. Charystien., *Secretarius.*

## III.

### DE DISPOSITIONE FESTORUM JUXTA NOVAS RUBRICAS.

Sacrae Rituum Congregationi pro opportuna solutione sequentia dubia proposita fuerunt, nimirum:

I. Quando Dominica occurrit a die 25 ad diem 28 decembris inclusive, Rubrica praescribit Officium huius Dominicae die libera 30 decembris celebrandum. Nunc vero pluribus in dioecesibus dies 30 decembris impedita est aliquo festo novem Lectionum. Quaeritur: Quid agendum in casu?

II. Iuxta recentem Constitutionem "*Divino afflatu*", tit IV, n. 3, festum sanctissimi Nominis Mariae perpetuo assignatur diei duodecimae mensis septembris. Quaeritur ergo: Num ecclesiae quae hoc festum tamquam Titulare usque ad hodiernam diem coluerunt Dominica infra octavam Nativitatis beatae Mariae Virginis sub ritu duplici I classis cum octava, ipsum recolere in posterum debeant die duodecima Septembris

cum Ecclesia Universali, servatis privilegiis quae Titularibus competunt?

III. Pluribus in locis festum sanctissimi Nominis Mariae ritu duplici I classis cum octava recolitur. Quaeritur: An istis in locis Octava Nativitatis B. Mariae Virginis cesset omnino, adveniente festo sanctissimi Nominis; an potius suspendatur tantum, ita ut die decimaquinta septembris agendum sit de die Octava ipsius Nativitatis, omissa commemoratione Octavae sanctissimi Nominis?

IV. Ex novis dispositionibus saepe accidit ut festa, sive duplicia maiora, sive sanctorum Doctorum simplificanda sint ob occursum alicuius festi translati ritus duplicis II classis. Quaeritur ergo: Num symbolum addendum sit in Missa de isto festo translato quod per se symbolum non admittat, si in ea facta sit commemoratio alicuius festi occurrentis ritus duplicis maioris aut minoris quod ius habeat ad symbolum in Missa?

V. Collectae ab Ordinario imperatae, ex novis rubricis, tit. XI, omittendae sunt, quandocumque in Missa dicendae sint plusquam tres Orationes a rubrica eo die praescriptae. Quaeritur ergo: An Collectae omittendae sint, quando in Missis privatis, post tres Orationes eo die praescriptas, addita est oratio sanctissimi Sacramenti publice expositi, vel pro Papa aut episcopo in respectivis anniversariis electionis, seu consecrationis aut coronationis?

VI. Cum in tabella Occurrentiae perpetuae nuper ab ista S. Congregatione edita, evidenter mendum irrepserit typographicum in quadrangulo in quo sibi invicem occurrunt Simplex cum Simplici, ubi legendus est numerus 7, et non 8, dubium oritur, an aliud pariter mendum sit in quadrangulis in quibus sibi invicem obveniunt Duplex maius et minus, cum Vigilia Epiphaniae, ubi loco numeri 3 videtur quod legi debeat numerus 6, eo quod Officium ipsius Vigiliae gaudeat privilegiis Dominicae, ac proinde praevalere debeat, ex novis Rubricis, Duplici minori et maiori quod non sit festum Domini. Quaeritur: An revera in praedictis duobus quadrangulis legendus sit numerus 6, ita ut in casu agi debeat de Vigilia Epiphaniae, cum perpetua repositione Duplicis occurrentis?

Et sacra eadem Congregatio, ad relationem infrascripti Secretarii, audita sententia Commissionis Liturgicae reque accurato examine perpensa, rescribendum censuit:

Ad I. Officium Dominicae infra Octavam Nativitatis transferendae ea die ponatur quae festum minus nobile in occurrentia, a die 29 usque ad 31 decembris, secus peragendum foret, salvis Dominicae iuribus in concurrentia. Quod si omnia festa a die 29 ad 31 decembris occurrentia ritum duplicem I aut II classis obtineant, commemoratio Dominicae fiat in Festo ut supra minus nobili. In paritate nobilitatis Officium aut commemoratio Dominicae fiat in festo prius occurrente.

Ad II. Affirmative.

Ad III. Negative ad primam partem; affirmative ad secundam.

Ad IV. et V. Affirmative.

Ad VI. In tabella Occurrentiae perpetuae menda corrigantur, ita ut in quadrangulo in quo sibi invicem occurrunt Simplex cum Simplici, ponatur numerus 7, et in quadrangulis in quibus occurrunt Duplex maius et minus cum Vigilia Epiphaniae, ponatur numerus 6: et Vigilia Epiphaniae, privilegiis Dominicae gaudens, tam in occurrentia quam in concurrentia, Duplici etiam maiori semper praeferatur.

Atque ita rescripsit et servari mandavit, die 21 iunii 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

L. * S.

✠ PETRUS LA FONTAINE, Episc. Charystien., *Secretarius.*

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## COMMISSIO PONTIFICIA DE RE BIBLICA.

### I.

DE AUCTORE, DE TEMPORE COMPOSITIONIS ET DE HISTORICA VERITATE EVANGELIORUM SECUNDUM MARCUM ET SECUNDUM LUCAM.

*Propositis sequentibus dubiis Pontificia Commissio "De Re Biblica" ita respondendum decrevit:*

I. Utrum luculentum traditionis suffragium inde ab Ecclesiae primordiis mire consentiens ac multiplici argumento firmatum, nimirum disertis sanctorum Patrum et scriptorum ecclesiasticorum testimoniis, citationibus et allusionibus in eorumdem scriptis occurrentibus, veterum haereticorum usu, versionibus librorum Novi Testamenti, codicibus manuscriptis

antiquissimis et pene universis, atque etiam internis rationibus ex ipso sacrorum librorum textu desumptis, certo affirmare cogat Marcum, Petri discipulum et interpretem, Lucam vero medicum, Pauli adiutorem et comitem, revera Evangeliorum quae ipsis respective attribuuntur esse auctores?

R. Affirmative.

II. Utrum rationes, quibus nonnulli critici demonstrare nituntur postremos duodecim versus Evangelii Marci (Marc., XVI, 9-20) non esse ab ipso Marco conscriptos sed ab aliena manu appositos, tales sint quae ius tribuant affirmandi eos non esse ut inspiratos et canonicos recipiendos; vel saltem demonstrent versuum eorumdem Marcum non esse auctorem?

R. Negative ad utramque partem.

III. Utrum pariter dubitare liceat de inspiratione et canonicitate narrationum Lucae de infantia Christi (Luc., I-II), aut de apparitione Angeli Iesum confortantis et de sudore sanguineo (Luc., XXII, 43-44); vel solidis saltem rationibus ostendi possit—quod placuit antiquis haereticis et quibusdam etiam recentioribus criticis arridet—easdem narrationes ad genuinum Lucae Evangelium non pertinere?

R. Negative ad utramque partem.

IV. Utrum rarissima illa et prorsus singularia documenta in quibus Canticum *Magnificat* non beatae Virgini Mariae, sed Elisabeth tribuitur, ullo modo praevalere possint ac debeant contra testimonium concors omnium fere codicum tum graeci textus originalis tum versionum, necnon contra interpretationem quam plane exigunt non minus contextus quam ipsius Virginis animus et constans Ecclesiae traditio?

R. Negative.

V. Utrum, quoad ordinem chronologicum Evangeliorum, ab ea sententia recedere fas sit, quae, antiquissimo aeque ac constanti traditionis testimonio roborata, post Matthaeum, qui omnium primus Evangelium suum patrio sermone conscripsit, Marcum ordine secundum et Lucam tertium scripsisse testatur; aut huic sententiae adversari vicissim censenda sit eorum opinio quae asserit Evangelium secundum et tertium ante graecam primi Evangelii versionem esse compositum?

R. Negative ad utramque partem.

VI. Utrum tempus compositionis Evangeliorum Marci et Lucae usque ad urbem Ierusalem eversam differre liceat; vel,

eo quod apud Lucam prophetia Domini circa huius urbis eversionem magis determinata videatur, ipsius saltem Evangelium obsidione iam inchoata fuisse conscriptum, sustineri possit?

R. Negative ad utramque partem.

VII. Utrum affirmari debeat Evangelium Lucae praecessisse librum *Actuum Apostolorum* (*Act.*, I, 1-2); et quum hic liber, eodem Luca auctore, ad finem captivitatis Romanae Apostoli fuerit absolutus (*Act.*, XXVIII, 30-31), eiusdem Evangelium non post hoc tempus fuisse compositum?

R. Affirmative.

VIII. Utrum, prae oculis habitis tum traditionis testimoniis, tum argumentis internis, quoad fontes quibus uterque Evangelista in conscribendo Evangelio usus est, in dubium vocari prudenter queat sententia quae tenet Marcum iuxta praedicationem Petri, Lucam autem iuxta praedicationem Pauli scripsisse; simulque asserit iisdem Evangelistis praesto fuisse alios quoque fontes fide dignos sive orales sive etiam iam scriptis consignatos?

R. Negative.

IX. Utrum dicta et gesta, quae a Marco iuxta Petri praedicationem accurate et quasi graphice enarrantur, et a Luca, *assecuto omnia a principio diligenter* per testes fide plane dignos, quippe *qui ab initio ipsi viderunt et ministri fuerunt sermonis* (Luc., I, 2-3), sincerissime exponuntur, plenam sibi eam fidem historicam iure vindicent quam eisdem semper praestitit Ecclesia; an e contrario eadem facta et gesta censenda sint historica veritate, saltem ex parte, destituta, sive quod scriptores non fuerint testes oculares, sive quod apud utrumque Evangelistam defectus ordinis ac discrepantia in successione factorum haud raro deprehendantur, sive quod, cum tardius venerint et scripserint, necessario conceptiones menti Christi et Apostolorum extraneas aut facta plus minusve iam imaginatione populi inquinata referre debuerint, sive demum quod dogmaticis ideis praeconceptis, quisque pro suo scopo, indulserint?

R. Affirmative ad primam partem, negative ad alteram.

## II.

### De Quaestione Synoptica sive de Mutuis Relationibus inter Tria Priora Evangelia.

*Propositis pariter sequentibus dubiis Pontificia Commissio "De Re Biblica" ita respondendum decrevit:*

I. Utrum, servatis quae iuxta praecedenter statuta omnino servanda sunt, praesertim de authenticitate et integritate trium Evangeliorum Matthaei, Marci et Lucae, de identitate substantiali Evangelii graeci Matthaei cum eius originali primitivo, necnon de ordine temporum quo eadem scripta fuerunt, ad explicandum eorum ad invicem similitudines aut dissimilitudines, inter tot varias oppositasque auctorum sententias, liceat exegetis libere disputare et ad hpotheses traditionis sive scriptae sive oralis vel etiam dependentiae unius a praecedenti seu a praecedentibus appellare?

R. Affirmative.

II. Utrum ea quae superius statuta sunt, ii servare censeri debeant, qui, nullo fulti traditionis testimonio nec historico argumento, facile amplectuntur hypothesim vulgo *duorum fontium* nuncupatam, quae compositionem Evangelii graeci Matthaei et Evangelii Lucae ex eorum potissimum dependentia ab Evangelio Marci et a collectione sic dicta sermonum Domini contendit explicare; ac proinde eam libere propugnare valeant?

R. Negative ad utramque partem.

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Die autem 26 iunii anni 1912, in audientia utrique Rmo Consultori ab Actis benigne concessa, Ssmus Dominus noster Pius Papa X praedicta responsa rata habuit ac publici iuris fieri mandavit.

Romae, diei 26 iunii 1912.

L. * S.

Fulcranus Vigouroux, Gr. S. Sulp.
Laurentius Janssens, O. S. B.
*Consultores ab Actis.*

## CURIA ROMANA.

### PONTIFICAL APPOINTMENTS.

*6 May:* The Rev. Patrick Ryan, Vicar General of the Diocese of Pembroke, appointed Titular Bishop of Clazomene.

*31 May:* Mr. William Dooley, of the Archdiocese of Boston, appointed Private Chamberlain of Cape and Sword.

*11 June:* The Rev. Donald Aloysius Mackintosh, Vicar General of the Archdiocese of Glasgow, appointed Titular Archbishop of Chersoneso.

*14 June:* Monsignor Francis Bickerstaffe-Drew, of Salisbury, appointed Protonotary Apostolic *ad instar participantium.*

*15 June:* The Rev. Joseph Gabriel Pinter, V.G., Diocese of Saulte Ste. Marie and Marquette, appointed Domestic Prelate.

*22 June:* His Eminence Cardinal Sebastian Martinelli appointed Protector of the Dominican Tertiaries, whose motherhouse is at Sinsinawa, Wisconsin.

*24 June:* The Rev. John McIntyre, of the Archdiocese of Birmingham, appointed Titular Bishop of Lamas and Bishop Auxiliary of the Archbishop of Birmingham.

*28 June:* The Right Rev. John J. McCort, Vicar General of the Archdiocese of Philadelphia, appointed Titular Bishop of Azota and Auxiliary to the Archbishop of Philadelphia.

*3 July:* Mr. James J. Ryan, of Philadelphia, awarded the Grand Cross of the Order of St. Gregory the Great.

*6 July:* The Right Rev. Thomas F. Kennedy, Rector of the American College, Rome, appointed Assistant at the Pontifical Throne.

# Studies and Conferences.

## OUR ANALECTA.

The Roman documents for the month are:

LETTER OF POPE PIUS X to the Right Rev. James Duhig, Bishop of Rockhampton, Australia, on the occasion of the Golden Jubilee of the first mission of this now flourishing diocese.

S. CONGREGATION OF THE HOLY OFFICE decides: (1) that the dispensation from the impediment of disparity of cult is never to be granted unless the prescribed guarantees and safeguards are explicitly given; (2) a dispensation from the impediment of disparity of cult is null, if the prescribed guarantees have either not been asked for or have been refused; (3) the prescription of the decree *Ne temere* on the presence of the parish priest at mixed marriages in which the regular guarantees are obstinately refused by the contracting parties (No. IV, § 3), is revoked.

S. CONGREGATION OF THE INDEX makes known the submission of E. Th. de Cauzons to its decree of 6 May last.

S. CONGREGATION OF RITES: 1. The decrees contained in Vol. VI (Appendix I) of the Collection of Decrees of the S. Congregation of Rites are officially declared to be authentic.

2. Decree regarding the new Rubrics.

3. Arrangement of feasts according to the new Rubrics.

PONTIFICAL BIBLICAL COMMISSION answers (1) nine questions regarding the authorship, date of composition, and historical truth of the Gospels of SS. Mark and Luke; (2) and two other questions on the mutual relations of the first three Gospels,—the Synoptic Question.

ROMAN CURIA gives the recent Pontifical appointments.

## DE VASECTOMIA.

Quaestio de vasectomia ejusque liceitate hisce ultimis temporibus tantopere sollicitos habuit theologos, medicos, jurisperitos et legislatores, in America praesertim Septentrionali, estque quaestio tum practice tum theoretice adeo momentosa ut, non obstantibus pluribus articulis (in hoc signanter perio-

dico) circa illam jam scriptis,[1] adhuc opportunum visum fuerit hanc controversiam reassumere, principiis magis insistendo, quae totam litem moderare videntur. Occasione data, per decursum dissertationis, occurremus rationis momentis quae contra doctrinam alias a nobis propositam inducenda censuerit doctissimus Dr. O'Malley.[2]

Ansam praebuit huic controversiae lex recenter inducta in variis Statibus Foederatis Americae Septentrionalis, signanter in Indiana, California, Utah et Connecticut, tenore cujus legis vasectomia imponitur peragenda in variis viris degeneribus, defectivis, alcoholicis et aliis hujusmodi, ex quibus procreanda timetur adulterata ac degener progenies.[3]

Successive exponemus 1. in quo consistat sic dicta Vasectomia, 2. quinam sint ejusdem effectus et 3. quousque licite peragi valeat tam publica quam privata auctoritate.

[1] Huc spectant articuli de hac re scripti sequentes:
Donovan (professor in collegio Franciscano Universitati Washingtonensi adnexo), *Circa liceitatem cujusdam operationis chirurgicae,* apud ECCLESIASTICAL REVIEW., tom. XLII (1910), p. 271 ss., collatis *ibidem,* p. 599 ss., necnon tom. XLIV, p. 571 ss., ac tom. XLV, p. 313 ss.; Labouré (professor Seminarii in San Antonio), *De Vasectomia, ibidem,* tom. XLIII, p. 80 ss., collatis, p. 320 ss. et 552 ss., necnon tom. XLIV, p. 574 ss. et tom. XLV, p. 355 ss.; Rigby (professor in collegio Dominicanorum, Romae), *De liceitate Vasectomiae, ibidem,* p. 70 ss.; Schmitt, *Vasectomia, eine neue Operation und ihre Erlaubtheit,* apud *Zeitschrift für kath. Theologie,* 1911, p. 66 ss. et 759 ss.; coll. ECCLESIASTICAL REVIEW, tom. XLIV, p. 679 ss. et tom. XLV, p. 86 ss.; Ferreres, *De Vasectomia duplici noviter inventa,* apud *Razon y Fe,* t. XXVII, p. 374 ss., tom. XXVIII, p. 224 ss., tom. XXXI, p. 495 ss. et tom. XXXII, p. 222 ss., coll. ECCLES. REV., tom. XLVI (1912), p. 207 ss.; Gemelli (Dr. medicus et professor theol. pastoralis), *De liceitate Vasectomiae,* apud *La Scuola Cattolica,* tom. XXI (1911), p. 396 ss.; Stucchi, *ibidem,* p. 417 ss.; Eschbach, *ibidem,* tom. XXII, p. 243 ss.; Capello, *ibidem,* p. 246 ss.; De Becker, *The casus "de liceitate Vasectomiae",* apud ECCLES. REVIEW, tom. XLII, p. 474 s. et tom. XLIII, p. 356 ss.; Dr. medicus O'Malley, *Vasectomy in Defectives,* apud ECCLES. REVIEW, tom. XLIV, p. 684 ss., coll., tom. XLVI, p. 219 ss.; *idem, Inseminatio ad validum matrimonium requisita, ibidem,* tom. XLVI, p. 322 ss.; Roderer, apud ECCLES. REVIEW, tom. XLIV, p. 742 s.; Wouters, *De Vasectomia,* apud *Nederl. kath. Stemmen,* 1911, p. 19 ss.; *Nouv. Rev. théo.,* 1910, p. 417 ss.; *Revue eccl. de Liége,* VI, p. 203 ss. Addi possunt quaedam dissertationes seu adnotationes huc spectantes anonymice aut pseudonymice vulgatae in ECCLES. REVIEW, tom. XLII, p. 346 ss.; tom. XLIII, p. 310 ss. (sub pseudonomine *Neo-Scholasticus*); tom. XLIV, p. 562 ss.; tom. XLV, p. 71 ss. et p. 599 ss. (sub pseudonomine *Philokanon*); accedit tandem Consultatio theologica RR. PP. Vermeersch, De Villers et Salsmans, in ECCLES. REVIEW, tom. XLII, p. 475.

[2] ECCLES. REVIEW, tom. XLVI, p. 332.

[3] In *Indiana,* ut testatur Dr. O'Malley, apud ECCLES. REVIEW, tom. XLIV, p. 684, peracta fuit vasectomia, inde ab anno 1907 ad finem anni 1910, in 800 circiter viris. Cf. etiam ECCLES. REVIEW, tom. XLII, p. 347 s.

## I. In quo consistat Vasectomia.

*Apud virum*, consistit in sectione transversa peracta in utroque canali (vase deferente nuncupato), quod viam sternit a testiculis ad vesiculas seminales: incisione nempe facta per scrotum, forcipe prehenditur funiculus spermaticus, atque ex denudato vase deferente parvum fragmentum exsecatur, sedulo servatis nervis, venis et arteriis, quae vas deferens circumcingunt et simul cum ipso funiculum spermaticum constituunt.[4]

*Apud foeminam*, consistit in simili resectione utriusque oviducti, i. e. canalis ab ovariis ad matricem ducentis et ova matura deferentis. Vocatur haec operatio speciali nomine *oophorectomia* seu *fallectomia*, denominatione vasectomiae peculiariter reservata operationi peractae in viro.

Vasectomia viri brevem ac omni periculo expertem importat operationem chirurgicam, sola provocata anesthesia locali, quin opus sit chloroformio aliove medicamento somnifero; oophorectomia vero gravem et sat periculosam exigit laparotomiam.

## II. Effectus.

A. Inducitur apud virum et mulierem *sterilitas*. Via enim praecluditur omnimode elemento foecundanti virili ac respective elemento foemineo foecundando, adeo ut omnis foecundatio sit physice impossibilis, tam in congressu viri vasectomiaci quam in copula habita cum muliere oophorectomiam passa.

Quod autem spectat sterilitatis *perpetuitatem:* equidem physica praesto est possibilitas foecundandi potentiam restituendi, extremitates resuendo oviducti vel canalis resecti;[5] non desunt etiam experientiae quae, testibus medicis, felicem in hunc sensum exitum sint nactae;[6] sed non est negandum, attenta exiguitate luminis seu interioris diametri canalis deferentis,[7] difficilem esse hujusmodi restaurationem, etiam in

[4] Intimiorem operationis descriptionem videsis apud Drem. O'Malley, Eccles. Review, tom. XLIV, p. 687 ss. et apud Gemelli, *La Scuola cattolica*, tom. XXI, p. 403 ss.

[5] Dr. O'Malley, Eccles. Rev., XLV, p. 720, suadet potius connectendam esse superiorem partem resecti canalis cum epididymide.

[6] Cf. Eccles. Review, tom. XLV, p. 720 s.; *La Scuola Cattolica*, t. XXI, p. 415.

[7] Non excedit dimidium millimetri; cf. *Razon y Fe*, tom. XXVIII, p. 230.

viro, eamque non modo expertam exquirere manum, sed et raro succedere, signanter quando vasectomia non fuerit recentius peracta.[8]

B. Vehemens exsurgit controversia utrum oophorectomia et praesertim vasectomia importet, ultra sterilitatem, etiam *impotentiam*, eamque *perpetuam*, matrimonium dirimentem.

Ad cujus controversiae solutionem haec duo praemittenda volumus:

a. Litem coarctamus ad *solam vasectomiam viri.*[9] Mulierem fallectomiam passam facile concedimus non reddi impotentem, siquidem manet, non secus ac mulier excisa, apta ad habendam copulam *ex parte actus* ad generationem de se idoneam, juxta notionem datam apud *Collat. Brug.*, t. XV, p. 695-705.[10]

b. Sedulo notandum vasectomiam non sequi testiculorum inertiam et atrophiam: horum quidem activitas minuitur, sed non abrumpitur seminalis secretio, sicut etiam activitas servatur in aliis glandulis ad seminis elaborationem cooperantibus, et manet membrorum genitalium perfecta erectibilitas. Salvis namque remanentibus nervis et sanguineis vasculis funiculi spermatici, integra servatur nutritio testiculorum ac integra manet nervorum consociatio inter varias glandulas sexualis organismi. In hoc erraverunt non pauci falso nitentes conceptu vasectomiae, quasi consisteret in resectione integri funiculi spermatici.[11]

Quibus praenotatis:

1° Inhaesitanter contendimus vasectomia induci impotentiam, eamque non relativam, uti patet, sed absolutam, impotentiam intelligendo ad normam juris canonici.

Revera impotens est vir qui non est capax exercendi copulam *ad generationem per se idoneam;* sufficit autem ut apta sit copula *ex parte ipsius actus*, abstractione facta a reliquis organis, praeter copulae actum, ad foecundationem requisitis; sufficit etiam, uti in notione dicitur, ut copula sit *per se* apta,

[8] Cf. Eccles. Review, t. XLIV, p. 690, et t. XLV, p. 720 s.; *La Scuola Cattolica,* t. XXI, p. 413 ss.; *Razon y Fe,* t. XXVIII, p. 230 s. et t. XXXII, p. 225 s.

[9] In sequentibus de hac sola erit quaestio.

[10] Cf. etiam *Tractatum de Sponsalibus et Matrimonio,* ed. 2a, n. 276 ss.

[11] Cf. Schmitt, ll. cc.; Ferreres, *Razon y Fe,* tom. XXIII, p. 224; Rigby, l. c., p. 70 s.

quin nempe attendantur illa quae possent, in ipsis copulae elementis, procreationem impedire *per accidens*, i. e. prouti sunt in tali vel tali individuo.[12]

Jamvero ad illam copulae aptitudinem ex parte actus requiritur et sufficit ut elementa praesto sint quae *in ipso coeundi actu* ad generationem postulantur: penetratio scil. vaginae cum emissione seminis *natura sua et per se foecundi*, i. e. non liquoris cujuscumque, sed veri seminis ad foecundandum per se idonei.

Quid autem est semen a vasectomiaco emissum nisi semen *natura sua et per se prorsus infoecundum?* Solum et unicum elementum foecundans est in spermatozoidis, et haec praecise physico et ineluctabili impedimento prohibentur quominus seminationi misceantur, cum via totaliter occludatur ipsis.

Neque invocetur *paritas cum senibus* qui censentur canonice potentes.[13]

Et sane, si sustineretur paritas, non dubitaremus ipsos senes declarare impotentes. Ast neganda est undecumque paritas. Nimirum senes, quos supponimus aliunde erectiones capaces et organis sexualibus instructos, habent semen *per se foecundum;* et si contingat illud esse infoecundum, hoc est *per accidens.* Semen namque dici debet per se foecundum, quod derivatur a glandulis ad semen foecundum secernendum natura sua destinatis, quod, attenta provenientia sua, natum est foecundationis principium secum ferre.

Ulterius, siquidem non omnibus placet distinctio inter ea quae sunt per se et quae sunt per accidens,[14] alio modo arguere liceat. Esto scil. plurimos senes non jam habere spermatozoida, aut ea habere adeo inertia ut foecundationi videantur inepta,[15] non est negandum plures etiam dari quibus praesto sit foecundum sperma, cum non desint exempla senum qui,

[12] "Rectitudo naturalis in humanis actibus non est secundum ea quae per accidens contingunt in uno individuo, sed secundum ea quae totam speciem consequuntur." S. Thomas, *C. Gentes*, l. III, cap. 122.

[13] Haec paritas potissimum invocatur a Gemelli, l. c., p. 412 s., necnon a Dr. O'Malley, ECCLES. REVIEW, t. XLVI (1912), p. 332 ss., ubi referens doctrinam apud *Collat. Brug.*, t. XV, p. 695 ss. propositam, nos inconsequentiae arguit quod ex una parte senes uti potentes habeamus, et ax alia parte vasectomiacos ut impotentes.

[14] Cf. Dr. O'Malley, ECCLES. REV., t. XLVI, p. 336 s.

[15] Cf. Ferreres, apud ECCLES. REVIEW, t. XLVI, p. 210 ss., et *Razon y Fe*, t. XXXI, p. 498 s.

aetate provecta, prolem procreaverint.[16] Porro quodnam, quaeso, erit criterium quo secernantur senes foecundi ab aliis? Aliud criterium quaeri nequit nisi analysis microscopica; quod sane criterium admitti nequit: requiritur norma observationi de se pervia eo vel magis quod impotentia, positis ponendis, constituat impedimentum matrimonii, de cujus praesentia vel absentia obvie constare debeat.[17] Hujusmodi criterium de se obvium et naturale est praesentia membrorum quae ad semen foecundum elaborandum requiruntur et sufficiunt, non autem praesentia spermatozoidorum aut horum energia, quae variis in adjunctis individuis deficere potest ac regulariter sola microscopica inspectione observari potest.

Ideo potentes censentur viri omnes, quantumvis senescentes, qui obvie innotescunt erectionis capaces ac organis instructi quae noscuntur ad semen foecundum secernendum et ejaculandum necessaria et de se sufficientia; impotentes autem reputantur quibus deficit omnis erectibilitas, vel qui organis carere apparent quibus ineluctabiliter indiget vir ad seminis foecundi elaborationem vel ejaculationem. Vasectomiaci proinde inter impotentes sunt adnumerandi, cum ex peracta operatione chirurgica obvie constet ipsos organo destitui ad seminis foecundi, non quidem secretionem, sed ejaculationem insupplebiliter necessario, canali scil. deferente *pervio*.

Neque dicatur: ad hoc ut quis aptus existat ad validum matrimonium, sufficere ut matrimonium possit ipsi esse *in remedium concupiscentiae*.[18]

Profecto si hujus finis consecutio sola esset attendenda, sufficeret ad validum conjugium potentia, in nupturientibus, copulam exercendi cum seminatione qualicumque, etiam per se infoecunda, adeoque vasectomiaci, etiamsi abruptae communicationis restitutio esset in perpetuum impossibilis (de quo

[16] Cf. facta relata apud Brouardel, *Le Mariage*, Paris, 1900, p. 131 ss.; Topai, *De Necessitate uteri in generatione et in Matrimonio*, Pustet, 1903, p. 75 s., collato tamen Dre. O'Malley, ECCLES. REV., t. XLVI, p. 221 s.

[17] Ipse Dr. O'Malley, ECCLES. REV., t. XLVI, p. 324, scribit: "Nequaquam opus est recursum habere ad observationes microscopicas vel chimicas ut norma stabiliatur."

[18] "Ratio fundamentalis cur matrimonium . . . viri vasectomiam passi validum dicendum sit, quaerenda est neque in iis quae sunt per se, neque in iis quae per accidens contingunt, sed in hoc quod potentia sexuali gaudet *perfecte apta ad remedium concupiscentiae habendum*." Ita Dr. O'Malley, ECCLES. REVIEW, t. XLVI, p. 336.

mox infra), essent habendi uti potentes et ad matrimonium contrahendum idonei. Ast illud suppositum falso nititur fundamento, quasi sedatio concupiscentiae esset *finis operis proprius et independens* matrimonii, quod falsum esse ostendimus in Tractatu *de Sponsalibus et matrimonio*, 2ª edit., sub n. 54: *unicus* finis proprius operis, cui finis medendi concupiscentiae est obnoxius et subordinatus, dicendus est *generatio prolis;* ac proinde nullum matrimonium, quantumvis concupiscentiae sedativum, potest valide iniri, nisi salva ordinatione ad illum finem, supposita scil., in utroque contrahente, aptitudine ad copulam de se idoneam generationi.

Caeterum si in matrimonio ejusque usu sola attendenda esset concupiscentiae sedatio, absque ordine ad finem procreationis, legitimari posset et pro valido haberi matrimonium ab eunucho contrahendum, in casu nonnunquam, esto infrequenter, obtinente, quo in illo eunucho salvatur erectibilitas et seminalis liquoris emittendi potentia.

Ex ipsa igitur *inspecta natura impotentiae* eruendum est eam vasectomia induci.

Quod *confirmatur* obvia analysi textus in hac re classici, Constitutionis nempe Sixti V *Cum frequenter,* de die 27 Junii 1587, in qua eunuchi authentice declarantur impotentes.[19]

Nimirum non arguimus ex eo quod vasectomiaci aequiparandi sint eunuchis, spadonibus seu castratis: in praenotandis namque vidimus per vasectomiam rite peractam testiculos non reddi inertes nec atrophiam pati; manent vasectomiaci ad erectionem et foeminei vasis penetrationem perapti, necnon idonei ad seminalem liquorem emittendum, a prostata, vesiculis seminalibus et glandulis Cowperianis elaboratum, dum eunuchi *plerique*, ut videtur, etiam illi qui in adulta aetate fuerunt evirati, amiserunt, saltem post aliquod temporis spa-

[19] "Cum frequenter in istis regionibus eunuchi quidam et spadones, qui utroque teste carent, et ideo certum ac manifestum est eos verum semen emittere non posse; quia impura carnis tentigine atque immundis complexibus cum mulieribus se commiscent, et humorem forsan quemdam similem semini, licet ad generationem et ad matrimonii causam minime aptum, effundunt, matrimonia . . . contrahere praesumant . . . mandamus ut conjugia per dictos et alios quoscumque eunuchos et spadones utroque teste carentes . . . contrahi prohibeas, eosque ad matrimonia quocumque modo contrahenda inhabiles auctoritate nostra declares . . . et matrimonia ipsa sic de facto contracta nulla, irrita et invalida esse decernas."

tium, potentiam copulam qualemcumque exercendi, deficiente erectibilitate vel etiam seminalis liquoris secretione.[20]

Unice nitimur in principio a Sixto V posito, vi cujus principii impotentes declarantur eunuchi: quod idem principium vasectomiacis applicando, ad eamdem conclusionem admittendam urgemur. Et sane eunuchi non declarantur impotentes quia incapaces sunt vas foemineum penetrandi aut seminalem liquorem emittendi (S. Pontifex hypothetice supponit quod id facere valeant); sed ideo quia "certum ac manifestum est eos *verum semen* emittere non posse", i. e., quemadmodum ex oppositione ad alium seminalem humorem liquet, "*ad generationem et ad matrimonii causam minime aptum*". Sunt igitur impotentes *quia* semen de se *foecundum* emittere non valent.

Ulterius autem progrediendo: undenam inepti sunt ad semen foecundum emittendum?

Manifeste docet Sixtus V id ex eo provenire *quod utroque teste carent,* siquidem explicite dicuntur *ideo* praecise verum seu foecundum semen emittere non posse. Jamvero, *in ordine ad seminis foecunditatem,* idem prorsus est quod testiculi desint, et quod omnis inter ipsos et ejaculationis organon abrumpitur communicatio.

Caeterum conclusionem nostram circa effectum vasectomiae impotentiam inducendi, tuentur plerique canonistae et theologi qui partes habuerunt in praesenti controversia.[21]

2° Si nobis indubium videtur impotentem esse virum vasectomiam passum, non adeo liquet utrum hujusmodi impotentia sit dicenda perpetua, adeoque utrum vel non impedimentum inducat matrimonii dirimens. Id pendet a possibilitate restaurandi abruptam communicationem inter testiculos et versiculas seminales.

[20] Cf. Dr. O'Malley, ECCLES. REVIEW, t. XLIV, p. 695; t. XLV, p. 719; t. XLVI, p. 334 s., et p. 22 s., quo ultimo loco arguit contra Ferreres (ECCLES. REV., t. XLVI, p. 217 s.).

[21] Ita De Becker, ECCLES. REV., t. XLIII, p. 357; Ferreres, ECCLES. REV., t. XLVI, p. 207 ss.; *Razon y Fe,* t. XXVIII, p. 376 ss., et XXXI, p. 496 ss.; Rigby, l. c., p. 76; Stucchi, l. c.; Eschbach, l. c.; Capello, l. c.; Ojetti, *Synopsis rerum moralium et juris Pontificii,* 3ia ed., n. 2425.

Contrarium opinantur Donovan (licet haesitanter), ECCLES. REV., t. XLII, p. 602; Labouré, *ibidem,* t. XLIII, p. 82, et praesertim Gemelli, l. c., p. 410 ss., et Dr. O'Malley, t. XLIV, p. 691 s., ubi ait per vasectomiam non magis induci impotentiam quam per tonsionem barbae, collatis tom. XLVI, p. 219 ss. et 332 ss.

Probe tamen notetur non sufficere absolutam et physicam restaurandi possibilitatem, quam caeteroquin admittendam jam vidimus; manet impotentia in sensu canonum *perpetua*, quamdiu nonnisi per media extraordinaria vel ope peculiaris artificii sanari valet.

Quibus attentis, et spectatis supra notatis de reparationis difficultate, potius inclinamur in asserenda impotentiae perpetuitate, saltem si agatur de vasectomia parum recenti.[22] Cum tamen in hujusmodi negotio tanti momenti ac adeo intime praxim spectante, singulari prudentia est opus, cumque solutio multum pendeat ab artis chirurgicae perfectibilitate, nolumus alteri sententiae, temporaneam dumtaxat impotentiam admittenti, probabilitatem denegare, donec lis per decretum S. Sedis dirimatur.

Quousque igitur stare videatur concessa probabilitas, stricto jure non posset vasectomiacus, nisi probe constiterit restaurationem vasis resecti et abruptae communicationis in casu particulari esse impossibilem, a matrimonio prohiberi, siquidem, juxta principia in citato Tractatu, n. 240 et n. 279, proposita, non potest a matrimonio arceri ille cujus impotentia probabiliter non est perpetua. Ex alia autem parte, cum pro hujusmodi persona, quousque mutilatio vasectomiaca fuerit sanata et impotentia inde consequens ablata, usus matrimonii, salvo meliori judicio, sit illicitus declarandus, practice foret matrimonium passim interdicendum donec restauratio fuerit peracta: tale namque conjugium, absque eo utendi facultate, gravissimis periculis esset plenum.[23]

C. Seposita sterilitate vel impotentia, refertur a medicis et hujus rei peritis notabiles effectus eosque faustos et beneficos ad vasectomiam consequi in viri organismo. Et quidem bonus ille influxus observari videtur potissimum in illis qui ante operationem chirurgicam sexuali erethismo, quem vocant, laborabant, quatenus qui prius incorrigibiles masturbatores existebant, aut quasi irresistibiliter ad venerem provocabantur,

[22] Hanc impotentiae perpetuitatem, inter alios, urgent Ferreres, Wouters, Stucchi, Capello; impotentiam potius habet ut temporaneam Ojetti, l. c.

[23] Haec practica solutio convenit cum doctrina proposita apud *Collat. Brug.*, t. XV, p. 698, licet haec doctrina, theoretice spectata, aliquatenus mitiganda videatur ad normam dictorum.

sensim evadant minus erotici et ad venerem minus proclives, ac magis normalem vitae rationem sequi videantur.[24]

Descriptus influxus deberi videtur, in quantum conjicere licet, tum imminutioni secretionis seminalis operationem consequenti, qua secretionis imminutione removetur congestio illa cerebralis cum nervosa excitatione sexuali, per excessivam secretionem producta; tum etiam absorptioni seminalis secretionis a testiculis elaboratae, quae absorptio noscitur oeconomiae corporali valde proficua.

## III. Liceitas.

Attenta notione superius data de vasectomia ejusque effectibus, habenda est ut *mutilatio gravis,* cum ratio sit habenda non tantum resectionis in se et materialiter spectatae, sed etiam effectus immediati et ineluctabilis, abruptae nempe communicationis urethri cum testiculis: quae abruptio indubie gravis apparet, quod eam dicas sterilitatem dumtaxat vel et impotentiam inducere; in utraque hypothesi privatur vir notabili functione physiologica foecundandi.

Nec levis efficitur mutilatio ex eo quod functio suppressa restaurari queat, eo vel magis quod passim difficilis sit, uti vidimus, ac dubii exitus hujusmodi redintegratio. Non pendet proinde instituenda controversia ab illa quae modo fuit instituta sub II, ad B; severae tamen conclusiones quae proponentur magis stringunt respectu illorum qui censent vasectomiam impotentiam inducere.[25]

Applicanda igitur sunt vasectomiae principia quae moderantur moralitatem gravis mutilationis corporalis, quae principia exposita videsis apud Auctores theologiae moralis, et signanter apud Ill. Waffelaert, *Tractatus de Justitia,* Brugis, 1886, I, nn. 91-95 et II, nn. 100-106.

Nimirum.

A. Quod spectat vasectomiam privata auctoritate peragendam:

1° Vasectomia *indirecta* licet proportionata de causa.

[24] Cf. prae caeteris O'Malley, apud Eccles. Rev., t. XLIV, p. 689 ss.; t. XLV, p. 717 ss. et t. XLVI, p. 325 s.; Gemelli, l. c., p. 400 s. et 408 ss. et 415, ubi et varia testimonia referuntur.

[25] In sequentibus passim abstrahimus ab hac disputatione, vasectomiam proponendo ut *actionem sterilizantem.*

Vasectomia *indirecta* est quando ex operatione canalem resecante, quae est actio in se indifferens, duplex effectus sequitur *aeque immediate,* communicationis scil. abruptio sterilizans et alius effectus bonus, ac prior effectus malus non intenditur. Ita si pars canalis deferentis esset gangrena infecta, partis infectae exsectio constitueret vasectomiam indirectam.

Talis vasectomia, si praesto est justa causa, i. e. si bonus effectus est proportionatus malo effectui, ut in casu proposito, declaranda est omnino licita; ratio est quia resectio, in se indifferens, non potest dici mala ratione effectus pravi, cum effectus ille per alium effectum proportionatum et aeque immediatum compensetur.

2° Vasectomia *directa* non licet nisi ad bonum corporis.

Vasectomia *directa* est quotiescumque solus effectus immediatus resectionis chirurgicae est abruptio communicationis inter vesiculas seminales et testiculos; ipsa namque violenta illa interruptio constituit ipsam actionem sterilizantem, non secus ac ipsa expulsio foetus nondum viabilis constituit ipsam actionem occisivam. Unde sicut non est abortus indirectus, licet ex ipsa expulsione immediate sequatur salus matris, et non ex morte prolis; pari modo vasectomia seu mutilatio sterilizans directa est, licet bonus effectus seminalem secretionem minuendi et organismum male affectum moderandi sequatur potius ex ipsa communicationis interruptione quam ex sterilizatione.

Porro dicimus hujusmodi vasectomiam *directam* non licere, excepto casu quo in bonum corporis ordinetur.

Quod generatim non liceat vasectomia directa, patet ex eo quod gravem constituat mutilationem sterilizantem, quodque omnis mutilatio directa, salva exceptione adducta, importet inordinationem: laedit nempe dominium Dei, utpote qui sibi reservavit proprietatem vitae humanae ejusque organorum.[26] Quemadmodum non possumus nobis auferre vitam, utpote in quam Deus sibi retinuit dominium, sic non possumus nobis membrum amputare vel functionem aliquam vitalem supprimere.

*Exceptio* habetur pro casu quo mutilatio membri vel organi admittitur *propter bonum totius corporis.* Ratio est "quod

[26] Ill. Waffelaert, o. c., I, n. 91.

homo sit suipsius gubernator et membrorum administrator ad bonum totius; neque enim membra singula sunt propter se sed propter totum, et ideo in bonum totius petunt dirigi, et possunt abscindi vel incidi propter bonum totius." [27]

Quod autem bonum corporis sit *sola* causa directam mutilationem legitimans, inde est quod "membra ex natura sua immediate non subordinantur nisi toti naturali seu corporis bono et conservationi." [28]

Directa proinde mutilatio, et in specie vasectomia, non licet *immediate* ad bonum procurandum spirituale animae; et ita non liceret manum amputare ne deinceps illicitos tactus admittat, nec oculos eruere ne amplius videant vanitatem, nec licet seipsum castrare ad hoc immediate ut continentia servetur. Non datur nempe immediata subordinatio et connexio inter membra corporis et salutem animae; et ideo etiam, uti notat S. THOMAS,[29] "saluti spirituali semper potest aliter subveniri quam per membri praecisionem", moderando scil., voluntatis imperio, usum membrorum, oculos avertendo, manum cohibendo.

Dicitur: non licet vasectomia, eam ad bonum spirituale ordinando *immediate;* quia, si immediate conducit ad bonum corporis et requiritur ad boni corporalis conservationem, simul *mediate* proficiendo saluti animae, profecto salvatur debita ordinatio et nihil obstat quominus vasectomia legitimetur.

Jamvero, si confidere possumus testimoniis supra invocatis et experientiis factis, non auderemus dicere nunquam licitam esse posse vasectomiam directe provocatam auctoritate privata.

Pone scil. virum aliquem abnormi secretione seminali continuo laborare et inde continuum pati erethismum sexualem, ita ut inde valetudo ejus male afficiatur. Nonne, in supposito quod effectus supra descripti ad vasectomiam consequantur, nonne, inquam, dici posset vasectomiam immediate conducere ab bonum corporis, et mediate tantum ad bonum spirituale?

Posito hujusmodi abnormi corporis conditione vere pathologica, posito etiam quod frustra alia remedia fuerint adhibita, non auderemus, donec S. Sedes aliter judicaverit, vel

[27] *Ibidem,* II, n. 101.
[28] *Ibidem,* n. 103.
[29] 2a 2ae, qu. LXV, art. 1, ad 3m.

donec circa effectus physiologicos et psychicos vasectomiae accuratius instructi fuerimus, damnare virum qui illam operationem sollicitaret nec medicum qui ad illam peragendam operam suam praeberet.[30]

Extra descripta omnino exceptionalia adjuncta, plane assentimur illis qui directam vasectomiam, auctoritate privata peractam, reprobandam ducant. Vix notandum est, post ea quae modo exposuimus, illam operationem privata auctoritate nunquam adhiberi posse ad ipsam sterilitatem obtinendam, ad vitandam prolis multitudinem, et ad alios fines istius generis.

B. Quod spectat vasectomiam *auctoritate publica* instituendam:

Princeps non habet *directum dominium* in vita vel membris subditorum, nec cives sunt habendi quasi in bonum reipublicae ordinati, cum contra respublica sit in bonum et utilitatem civium. Ideo non potest a Principe vita auferri civis innocentis et innocui, licet ejus mors in commune bonum cederet, puta illum occidendo ad placandum tyrannum, qui civitatis excidium minitatur nisi caput illius innocentis tradatur.

Ex alia parte agnoscenda est Principi *potestas jurisdictionis* in cives, quatenus, tanquam vindex suorum subditorum et curam gerens boni communis ac reipublicae conservandae, potest et debet vitam et jura civium tueri contra invadentes, ac media adhibere quae ad conservationem reipublicae et vitae socialis integritatem exiguntur, etiam, si opus sit, occidendo aut mutilando illos qui vitam socialem in discrimen vocant.

Quo pacto jus habet Princeps, positis ponendis, mutilandi aut etiam occidendi, sive in punitionem criminum, quae punitio necessaria est ad reliquos a sceleribus deterrendos, sive directe ad societatis vel individuorum defensionem contra nocentes.

Porro juxta haec principia solvenda est quaestio nostra. Ex illis autem liquido apparet Principi non esse agnoscendum jus ut vasectomiam peragendam jubeat, nisi *in quantum constiterit illam mutilationem* (in uno alterove individuo vel in civium categoria) *esse necessariam vel 1. ad tuendam vitam seu jura individuorum, vel 2. ad conservandam ipsam reipub-*

[30] Conveniunt in hoc Schmitt, *Zeitschr. f. k. Theol.*, 1911, p. 763 s., et Eccles. Rev., t. XLV, p. 88 s.; Donovan, Eccles. Rev., t. XLV, p. 318 s.; Labouré, *ibidem*, p. 355; Stucchi, l. c., p. 418 s.; O'Malley, *ibidem*, t. XLIV, p. 696; necnon Auctor sub pseudonomine (Perplexus), scribens apud Eccles. Rev., t. XLII, p. 602 s., ac Auctor Anonymus, *ibidem*, t. XLV, p. 76.

*licae vitam socialem, sive per modum punitionis, sive per modum directae defensionis* contra elementa nociva ejus incolumitatem in grave discrimen vocantia.

Quae conditio, pro legitimanda qualibet gravi mutilatione necessaria, strictius hic est urgenda pro majori gravitate mutilationis vasectomiacae, signanter si censetur esse non modo sterilizans, sed et impotentiam ac matrimonii impedimentum inducens.

Jamvero opinamur *hanc indispensabilem conditionem neutra sub parte verificari.* Et sane.

1° Quod spectat *vitam et jura privata individuorum:* relicta in viris defectivis foecundandi potentia, nullius individui jus laeditur quod a Principe vindicetur; vel, si locus sit juris laesioni, alia praesto sunt in manu Principis media opportuna et efficacia, quibus juris violationi occurrat eamve praeveniat, quin opus sit ut ad vasectomiam recurrat.

Nimirum non est a Statu vindicandum *jus prolis* forsan nascendae ex hujusmodi viro, in statu debiliori aut infirmiori, cum proles illa, utpote nondum existens, non sit subjectum juris, cumque illi semper melius sit esse infirmam quam non esse.

Nec *regulariter* tuendum assumere debet *jus mulieris,* cui conjungi contingat talem virum, cum in hujusmodi unione regulariter et per se dictae mulieris jus non laedatur.

Dicitur: *regulariter,* quia *exceptionaliter* potest esse locus juris violationi e parte talis viri. Casus esset si contagiosa lue esset infectus, puta lepra aut syphili in tali gradu ut proximum contagionis periculum inducat pro muliere cui copuletur; vel si ageretur de viro qui tanto passionis aestu laboret ut primam quasi occurrentem foeminam invadat et violento stupro violandam aggrediatur.

In hisce exceptionalibus adjunctis, partes essent auctoritatis socialis illos viros cohibere eosque impedire quominus morbo inficiant alios eorumve pudicitiae et castitati attentent.

Ast non est integrum Statui qualecumque medium pro lubitu in hunc finem adhibere, et ad occisionem aut mutilationem non potest recurrere nisi deficiente alio medio efficaci. Patet autem efficax remedium praesto esse in reclusione, quemadmodum reclusione impediuntur ne noceant furiosi et rabidi, quos etiam occidere et mutilare non liceret, quousque alio

medio cohiberi valent. Imo non esset ad reclusionem deveniendum nisi cum viris alterius speciei, pudicitiae scil. violenter attentantibus; periculo contagionis sufficienter provideretur, virum morbo contagioso affectum prohibendo, sub poena nullitatis, a matrimonio contrahendo: quae potestas hujusmodi impedimentum inducendi auctoritati publicae non videtur deneganda.

2° Quod spectat directe *bonum commune societatis:*

a. Vasectomia non est, pro reipublicae salute, infligenda *in poenam et punitionem* criminis admissi. Attenta namque natura operationis facilis et parum dolorosae, non habet vasectomia *rationem poenae;* quod et experientia confirmatur, cum, teste D^re^ O'MALLEY, pro 800 viris, in quibus, in Indiana, peragenda erat, vi legis, vasectomia, 176 eam ultro postulaverint.[31]

Caeterum si vasectomia imponeretur *ut punitio,* restringenda foret ejus applicatio solis delinquentibus et criminosis stricte dictis, non autem defectivis, abnormibus et degeneribus, ea latitudine qua applicatur in quibusdam Statibus Foederatis.

b. Vasectomia non est *medium necessarium* quo societas sui incolumitatem *directe protegat et defendat contra nocentes.*

In hoc praeprimis insistunt liceitatis patroni, quatenus timendum velint ne defectivi et abnormes, si servetur eorum foecundandi potentia, proles generent defectivas et ad crimina proclives, quarum multitudine ipsa societatis existentia in discrimen vocetur. Jamvero.

a. Non admittimus ex procreatione prolium degenerum ex illis viris periclitari societatis existentiam. Numerus namque hujusmodi virorum et prolium inde nascentium, in Statu aliunde rite moderato, semper manebit relative exiguus, et societatis integritas stare potest cum existentia quorumdam membrorum abnormium et degenerum. Exaggerationem etiam sapit dicere ex patre vitioso non procreari nisi vitiosam progeniem, nec desunt exempla in contrarium.

b. Etiamsi societas ex dicta causa periclitari videretur, nondum legitima foret dicenda lex ad normam illius quam in quibusdam Statibus Americae Septentrionalis vigere vidimus.

Equidem, juxta statuta principia, posset Status, in boni communis tuitionem ac suae conservationis tutelam, quem-

[31] ECCLES. REV., t. XLIV, p. 699 s., coll. p. 742; coll. etiam Schmitt, l. c., p. 76.

cumque cohibere a mortifero vulnere inferendo societati; sed rursus ordo esset servandus in electione remediorum, nec posset ad mortis illationem et mutilationem procedi nisi exhaustis aliis remediis; non posset ad functionis generativae suppressionem deveniri quousque sufficere appareat usus interdictio.[32]

Jamvero Status occurrere posset periculo ex hac parte minitanti, descriptos viros a matrimonio arcendo, contra eos inducto impedimento dirimente, vel, in quantum hoc remedium non est satis efficax, eos recludendo et libertate privando. Pravae etiam dispositiones et inclinationes quae saepe observantur in prolibus ex defectivo et vitioso patre procreatis, magna ex parte curari possunt per virilem et christianam educationem qua in virtutibus exerceantur et habitus acquirant bonos, malis dispositionibus contrarios.

Multiplici igitur nomine denegandum est sociali auctoritati jus vasectomiam imponendi civibus suis degeneribus. In quam conclusionem plerosque Auctores, qui hanc quaestionem tractaverunt, invenimus consentientes.[33]

Caeterum obvie apparet quomodo juris hujusmodi exercitium facile ansam praeberet abusibus gravibus atque applicationi in dies frequentiori, ac timendum est ne brevi assumatur vasectomia quasi instrumentum selectionis ad normam eorum quae fiunt inter bruta animalia.[34] Quem abusum, dignitati

[32] Pari modo potest quivis homo particularis propriam vitam suam defendere contra injustum agressorem (sive formaliter injustus sit, sive materialiter, ut in casu insanientis); sed, in hac vitae suae defensione, servare tenetur moderamen inculpatae tutelae, nec illum agressorem occidere potest si valet se salvare eum mutilando, nec mutilare potest si fuga sufficit ad vitae periculum evitandum.

[33] De Becker, ECCLES. REVIEW. t. XLII, p. 474 s. et t. XLIII, p. 355 ss.; Vermeersch, Salsmans, De Villers, *ibidem*, t. XLII, p. 475; Schmitt, *Zeitschr. f. k. Theol.*, l. c., et ECCLES. REV., t. XLIV, p. 679 ss. et t. XLV, p. 86 s.; Ferreres, *Razon y Fe*, XXVII, p. 378 s. et XXVIII, p. 224, quo altero loco adducit in eumdem sensum sententiam Lehmkuhl, privatis litteris ad ipsum propositam; Rigby, l. c.; Roderer, l. c.; Dr. O'Malley, ECCLES. REV., t. XLIV, p. 699 ss.; Wouters, l. c.; *N. R. th.*, l. c.; Stucchi, l. c., p. 419; Capello, l. c., p. 247 s.; Eschbach, l. c., p. 243 ss.

Contradicunt Labouré, ECCLES. REV., t. XLIII, p. 80 ss., 320 ss., t. XLIV, p. 574 ss., t. XLV, p. 88 ss. et p. 355 ss.; item, salva restrictione facta, Donovan, ECCLES. REV., t. XLII, p. 271 ss., p. 599 ss., t. XLIV, p. 571 ss. et t. XLV, p. 313 ss. Accedunt Auctores anonymice aut pseudonymice scribentes respective apud ECCLES. REV., t. XLIII, p. 310 ss., t. XLV, p. 76 s. et t. XLV, p. 599 ss.

[34] Cf. O'Malley, apud ECCLES. REV., t. XLIV, p. 705; Schmitt, *Zeitsch. f. k. Theol.*, 1911, p. 66 s. et p. 77, cum nota; Ferreres, *Razon y Fe*, t. XXVII, p. 374 s. ubi refert "quod etiam in Hispania non defuerint aliquae medicae ephe-

humanae adeo contrarium, tam vehementer timet *Donovan* ut, postquam theoretice vindicaverit legitimitatem vasectomiae ab auctoritate sociali imponendae, practice urgeat a juris exercitio esse abstinendum.[35]

A. DE SMET.

*Brugis.*

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## CLERICS BEFORE THE CIVIL TRIBUNAL.

S. CONGREGATION OF THE HOLY OFFICE.

TO THE BISHOP OF LARINO: ON THE INTERPRETATION OF THE MOTU PROPRIO "QUANTAVIS DILIGENTIA."

In answer to the esteemed letter of your Lordship, dated 11 December last, I hasten to inform you that on the 11th instant the two questions proposed by your Lordship in regard to the Motu Proprio *Quantavis diligentia* were submitted to the Holy Father as follows:

(1) Is it lawful, without permission of the ecclesiastical authority, and therefore without incurring the censure enacted by the Motu Proprio *Quantavis diligentia,* to bring a civil action against a cleric prosecuted for crime by public authority?

(2) Is it permitted to summon ecclesiastics to appear as witnesses before a lay tribunal, in civil or criminal causes?

His Holiness by a decision of the same day commanded to answer: *Ad utrumque—Negative.*

M. CARDINAL RAMPOLLA.

The above is a translation of a Letter which appears in the *Monitore Ecclesiastico,* and which is referred to in the article on the Decree *Quantavis diligentia* in this number of the REVIEW. Thus far it has not been published in the *Acta Apostolicae Sedis,* which is the official organ of the Roman Congregations, and we are therefore inclined to assume that it has a merely local bearing. Larino is one of the oldest dioceses in Italy and has enjoyed certain canonical traditions for nearly eight hundred years. Its inhabitants are presumably all Catholics, who, whether good or bad, can get a hear-

merides quae hanc operationem laudibus extollant, veluti medium aptissimum ad socialem quamdam selectionem faciendam, vi cujus probis tantum et corpore sanis generatio sit permittenda".

[35] Cf. ECCLES. REV., t. XLV, p. 317 s.

ing against an ecclesiastic if need be in the ecclesiastical court, and furthermore, the *syndicos* and *avvocatos* represent a magistracy of an inferior order expected to check the criminal and recalcitrant elements of the population distinct from the clerical element. The prohibition to appear against a cleric might well be in place under such circumstances. But for the rest, the answer to the Bishop of Larino, whether it be lawful to bring action against a cleric in the civil courts, or whether it is permissible to summon an ecclesiastic to appear as a witness before a lay tribunal in civil or criminal cases, does not possess the force of a general interpretation of the Motu Proprio *Quantavis diligentia.*

Indeed we should deprecate any such interpretation in a mixed population, such as we have in the United States. Though we surely owe loyalty and respect to ecclesiastical superiors, it is neither prudent nor just to appeal to the *privilegium fori* where such appeal is not likely to be understood or heeded. Ecclesiastical privileges which are the result of mutual agreement between the Church and the civil Commonwealth, where both authorities profess and accept the same religion as a basis of public action and the same interpretation of personal rights, cannot be asserted and claimed where such mutual recognition does not exist, except to the detriment of public peace and order. In the United States the Government, of which the law courts are an essential part, assumes to protect churchmen in the free exercise of their rights of conscience, i. e. of their religion; and it expects, as a matter of course, in return for the civil protection accorded them, that the churchmen as citizens observe the common law and abstain from criminal interference with the rights of their fellow citizens, whether these be Catholic or not. If then a cleric violates justice or perpetrates a crime against a fellow citizen, or disturbs the public peace, the law may call him to account, and in doing so it may require the testimony against the delinquent, as witness or juror or advocate, of any citizen who enjoys the protection of our Commonwealth, whether he is a Catholic or not. To refuse to testify, under plea that the ecclesiastical authorities will deal with the case, is simply to obstruct the order of the lawfully constituted civil order. The same would be applicable to an ecclesiastic called into

court to testify to any violation of law. He is bound to present himself *sub poena*, and no ecclesiastical law or privilege may set aside this duty unless there be some sort of mutual understanding which would make it just to refuse obedience to the civil authority, where that authority exercises its right to punish criminals and enforce the observance of public morals. The Holy Father could not mean anything else for us. And as to the requisite permission of the ecclesiastical authority, it can only signify that the Ordinary will give his consent to a just suit against a cleric, unless it be a case where scandal can be avoided by adjusting a compromise or keeping the matter entirely out of court.

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## THE ORATIO AFTER THE LITANY OF LORETO.

*Qu.* Can you tell me what authority there is for saying after the Litany of Loreto the *Oremus* beginning with "Concede" instead of the "Gratiam tuam"? All our Office books have the latter. But some years ago we saw a comment on this subject in THE ECCLESIASTICAL REVIEW. I have tried in vain to find it in the back numbers. If you can give me any light on the subject you will greatly oblige.

S. S.

*Resp.* The Sacred Congregation of Rites decided that the prayer after the Litany of Loreto might be varied in accordance with the forms of the liturgical year. "Litaniae Lauretanae concludendae sunt uti in Appendice Ritualis Romani, omissis *Christe audi nos* etc. Versiculus autem, Responsorium et Oratio post dictas Litanias mutari possunt pro temporis diversitate." [1] Whilst the prayer "Gratiam tuam" etc. has been popularly added to the Litany (perhaps because it is recited after the Angelus and also occurs in the Mass of the Blessed Virgin during Advent), it is not the one which the Roman Ritual as well as the Roman Breviary add to the text of the Litany. Both of these have the prayer: "Concede nos famulos tuos, quaesumus Domine Deus, perpetua mentis et corporis sanitate gaudere: et gloriosa beatae Mariae semper Virginis intercessione, a praesenti liberari tristitia, et aeterna perfrui laetitia. Per Christum Dominum nostrum. Amen."

[1] S. R. C. 7 Dec., 1900, apud *Ephem. Liturg.* May 1901, pag. 265.

This is likewise the prayer in the Mass of the Blessed Virgin Mary during the greater part of the ecclesiastical year, namely from the Feast of the Purification to Advent.

It may be opportune to state here that for the purpose of gaining the indulgences attached to the Litany of Loreto it is *not* necessary to add either versicle or prayer. The Litany simply ends as given in the Raccolta, with the "Agnus Dei" etc.

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## THE "CAEREMONIALE EPISCOPORUM" AND AMERICAN CUSTOM.

In the August number of the ECCLESIASTICAL REVIEW (p. 224) appeared the following query, together with our answer:

In Pontifical Mass and in Pontifical Vespers, the Baltimore Ceremonial provides that the ministers make their reverences to the bishop by bowing, when passing before the altar, or going to and from the throne. The *Caeremoniale Episcoporum*, however, provides that they genuflect when so doing.

Will you please advise me whether there is any decree from Rome authorizing the bow instead of the genuflection provided for in the *Caeremoniale*, or whether custom in the United States makes it lawful to bow rather than to genuflect?

To this query we replied that "it does not suffice to make the simple reverence instead of genuflecting at the Pontifical services, in Cathedrals where there are no regular Canons," since there is no decree authorizing the reverence.

In this matter we now receive the following communications from different dioceses the names of which it is not necessary to give here.

From a Cathedral in the State of Pennsylvania:

The custom of bowing instead of genuflecting to the bishop during Pontifical ceremonies has obtained in this diocese for more than thirty years. It seems to be the practice generally in the United States.

From a Cathedral in the State of New York:

Here we follow the usual custom of bowing in the United States. We have a feeling that most of our faithful in this country have come to connect the genuflection with the Altar and the Blessed Sacra-

ment. There seems to be no doubt that custom makes it lawful for us to continue the bowing.

From a Cathedral in New England:

I do not hesitate to have the bow used in this diocese, as it has been the custom in New England for many years.

From a Cathedral in Ohio:

Here in the United States the inclination is the common *usus*, brought about no doubt by the fact that a genuflection with us is considered as an act of adoration *simpliciter*. Hence because of our Protestant surroundings and consequent danger of misinterpretation of such ceremonial, I believe the American Bishops have been loath to permit the genuflection.

From a Cathedral in Michigan:

The custom of substituting bows for genuflections seems to be quite general in this country, but it is not absolutely universal. It has hitherto been followed in this diocese.

It is quite evident from these communications that there exists in the United States a custom contrary to rubrical authority, and although there is no doubt that the present usage in many dioceses of the United States is due to a faulty interpretation of the *Caeremoniale Episcoporum* by the compilers of the Baltimore Ceremonial, it appears sufficiently established to make it lawful. But it would hardly do to carry this same custom into places where the *Caeremoniale Episcoporum* has been the norm in the past, on the ground that the American people associate genuflection with the idea of adoration, or that we must defer to Protestant prejudice for fear of being misinterpreted. Such an argument would do away with all similar manifestations of reverence to the hierarchical representatives, such as genuflecting in kissing the Ordinary's ring, and other habitual genuflections prescribed in the Ritual, and recognized in the Church as the mark of reverence to Christ's representatives. Moreover it is not simply a question touching manifestations of personal reverence, but of the ceremonial of the Church, and it need hardly concern us what Protestants may think of our form of worship or our rever-

ence. The court ceremonial of the Old World is not less exacting and requires genuflection in certain public or solemn functions not only before the person of the sovereign but even before the vacant throne. While we must recognize some freedom regarding traditions which are the mere outcome of local or temporary conditions, and when they concern only outward ecclesiastical show, we ought to be tenacious in maintaining the honor of the sanctuary. The merely temporal honors shown to ecclesiastics outside the sanctuary, where they are not only contrary to democratic traditions, but distinctly a mark of foreign citizenship, rightly yield to public custom in America, whatever their significance may be in Catholic countries where they are properly understood and valued.

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## PRIVATE EXPOSITION OF BLESSED SACRAMENT NOT PERMITTED FOR PRIEST'S PERSONAL DEVOTION.

*Qu.* My assistant is a really edifying and zealous young priest who is doing much good in the parish by his advocacy of greater devotion to the Blessed Sacrament. I was pleased to introduce at his solicitation not only the practice of daily Communion, but also more frequent devotions at night for our working people. At these devotions we have "private" Exposition of the Blessed Sacrament, in the manner explained in the REVIEW some years ago; for the bishop did not think it advisable to allow Benediction more than once a week and on the principal feasts. But lately my young saint has adopted the method of making his Hour of Adoration as a member of the Eucharistic League in a way which I question whether it has the approval of the Church. He lights two wax-candles, opens the tabernacle, and makes his prayer vested in surplice, at the foot of the altar. He tells me that private Exposition of this kind is allowable for any cause whatever without permission from anybody. Is it all right?

*Resp.* No. Private Exposition of the Blessed Sacrament is indeed permitted without special sanction of the Ordinary for any good cause, and may be made at the request of any person for a private intention, such as the recovery of the sick, or in thanksgiving for some particular benefit; but it may not be made at the priest's private discretion. It requires in all cases the pastor's explicit or tacit permission. The reason for this is that the pastor is the regularly appointed guardian

of the Tabernacle and he is responsible for the functions relating to external worship in the church and the parish. He dispenses the Treasure of the Blessed Sacrament either personally or through his assistants. He uses It rather as the minister of others than for his own personal convenience. That such is the sense of the Church is evident from a decision of the Sacred Congregation, which by decree of 17 July, 1894, forbids Exposition for a priest's private devotion. "An liceat sacerdoti pro sua privata devotione sacrum Tabernaculum aperire pro adorando Sacramento, precibus ad libitum fundendis ac postea illud claudere? *Resp.* Negative." [1]

Where two or three, priests or others, combine in the hour's adoration, the act would undoubtedly be lawful, as it likewise would be where a priest represents some public interest, —a purpose which might enter into the objects of the Holy Hour by members of the Eucharistic League. But in any case the pastor's permission or consent is required for Exposition of the Blessed Sacrament whether private or public.

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## CONCLUSION OF THE PRAYER AFTER DISTRIBUTING COMMUNION OUTSIDE MASS.

*Qu.* In distributing Holy Communion outside the Mass the priest is to say the Antiphon "O sacrum convivium" and the Versicle "Panem de coelo", with the prayer "Deus qui nobis sub Sacramento," etc. Does this prayer end with the ordinary conclusion, "Per Christum Dominum nostrum", or has it the longer ending, "Per Dominum nostrum Jesum Christum filium tuum qui tecum", etc., as some contend? Some priests also kiss the altar before giving the blessing, "Benedictio Dei omnipotentis", etc., after the prayer. Is this correct?

*Resp.* The prayer referred to has the long conclusion, according to a decision of the S. Congregation (11 June, 1880, No. 3915). It should be noted that the prescribed blessing is not "Benedictio Dei omnipotentis Patris et Filii etc. . . . descendat super vos et maneat semper", but the ordinary blessing used in the Mass, "Benedicat vos Omnipotens Deus, Pater" etc. (S. R. C. 23 May, 1835, No. 2704).

[1] *Decreta authent.*, No. 3832.

## DISPENSATIONS IN MIXED MARRIAGES WITHOUT THE REQUIRED "CAUTIONES".

In the current number of the REVIEW we publish a Decree of the Holy Office on the assistance of pastors at "mixed marriages" when the contracting parties have refused to make the usual promise regarding perfect liberty in the exercise of religion and education of the children in the Catholic faith.

This Decree has been discussed by the secular press in a way calculated to spread an altogether false impression; and much harm has been done by the fact that some Catholic journals have circulated the misinterpretation of the secular papers, suggesting that the antenuptial promises formerly required in the case of mixed marriages are no longer necessary.

We wish to say that the announcement, that "the antenuptial pact in mixed marriages has been removed by the Pope, and that it is no longer necessary to make an agreement to rear the children in the Catholic faith", which has been printed in various papers and which some priests have welcomed as a concession to the liberal spirit of our age and country, is entirely misleading. Indeed such concessions are ordinarily incompatible with the maintenance of Christian principles and can obtain only a passive consent on the part of the Holy See.

To remove all doubt on this subject we shall have in the next issue of the REVIEW a full exposition of the correct bearing of the Decree, which as a matter of fact makes no practical change in the application of the general law of the Church. If in some European countries concessions have been made so as to permit assistance of the pastor or delegate at marriages in which the "cautiones" are not given, it is done only to avoid greater evils. It is to these places that the Decree of the Holy Office makes reference. But such forced concessions are by no means necessary in the United States. Hence our Bishops are not expected to alter the practice prescribed by the Plenary Councils of Baltimore, of insisting upon the "cautiones", and of refusing dispensation as well as the assistance of the priest at any marriage in which these "cautiones" have not been duly made.

## ADVERTISEMENTS IN "THE ECCLESIASTICAL REVIEW."

Subscribers to the REVIEW cannot but be aware that the advertisements which appear in our pages are of an exceptional and superior character, wholly in keeping with the aims of the magazine and the special class of readers to whom it appeals. This is because we exercise rigorous supervision in regard to the firms that ask for our space. Certain classes of advertisements are absolutely debarred from appearing in our pages by reason either of the kind of goods which they offer or of deficient guarantee which they give to the purchaser, and no amount of money or influence could secure an inch of our columns for concerns which deal in doubtful merchandise or which employ questionable methods in obtaining the confidence of the clergy. Whilst we cannot in every case guarantee that purchasing from advertisers in the REVIEW will afford absolute satisfaction, we take every care to secure only the most reliable of firms for our advertisers, irrespective of the accidental prospect of profit which such announcements hold out to a publication like ours.

Occasionally we have received inquiries from members of the clergy which indicate that they have been prejudiced against some reputable firm. Some years ago we were led to make an investigation in the case of the altar wines advertised by us. Recently charges have been circulated about the Daprato Statuary Company, of New York and Chicago, to the effect that the firm was a "Jewish concern" doing business for Catholic churches. We are in position to state that the rumor is absolutely false and apparently the invention of trade jealousy. The firm has sent us a full account of its personnel, certified by affidavit, and showing that their company is under entirely Catholic auspices and controlled by well-known Catholic artists and business men, all members of Catholic parishes in different parts of the United States. Whilst religious conviction is not a qualification of good workmanship or business ability, nor its profession always a guarantee of honest dealing, yet in the matter of Christian art and the use of ecclesiastical goods it is of great importance that the product offered to Catholic devotion be under the direction of men who are both competent and conscientious.

# Criticisms and Notes.

**FOR OUR NON-CATHOLIC FRIENDS. The Fairest Argument. By the Rev. John F. Noll, Huntington, Indiana.**

The plan of this volume is excellent. Its purpose is to bring together a number of creditable witnesses in behalf of the doctrine and practice of the Catholic Church, who themselves are not professing Catholics, and who may not be supposed to be influenced by partiality in speaking well of it. Thus we have in the first place a number of Protestant divines like Dean Stanley, Dr. Schaff, Charles Starbuck, and others, who praise the Church for its general attitude on moral issues and for the principles of Unity, Catholicity and Holiness, which characterize her activity. Next the author adduces witnesses to attest the reasonableness and conformity to Scriptural precept of her doctrines and practices. He brings into strong relief the misstatements of the enemies of the Catholic Church, against the actual facts of her teaching and discipline, as seen and interpreted by men who are beyond the suspicion of bias in her favor, and whose word may not be questioned in point of knowledge or veracity. Finally he makes a brief examination of the character and trustworthiness of those who array themselves against the Church, among them the self-styled ex-priests and ex-nuns who have been filling the ears of a credulous public with their inventions and exaggerations of Catholic doings and beliefs.

All this is excellent and furnishes the reader with a weapon of defence and with information by which to disarm the bigotry and timidity of those who come under the influence of such organizations as the so-called "Guardians of Liberty", the latest form of the old "Know-nothings" or the A. P. A., and a host of secret and semi-secret agitators who, like Major-General Sickles, have a grievance against Catholics in general or against the Irish Brigade in particular, because these have borne witness against him for unpatriotic conduct.

The usefulness of Father Noll's book is marred however by the fact that he does not give in every case the precise and accurate source of his information. To refer to the testimony of Renan, for example, by saying "Renan writes from Rome", without telling the reader, who may wish to verify the quotation, where he can do so, is practically valueless, except for those who are already convinced that Father Noll as a Catholic priest and as a controversialist is to be trusted when citing the words of a dead man.

What the reader to whom the author addresses his book wants, is an accurate and precise reference to some accessible edition of book or magazine or newspaper, to which the man or woman who chooses to doubt the veracity of the collator of the arguments, can go or at least appeal. Where such accurate legitimation is wanting the passport is without the proper signature and were better not used at all.

Perhaps the author can supply this defect in all cases in which he proposes to rest his assertion on the testimony of non-Catholics; for this constitutes the main value of the collection. In that case it would not be difficult to get a respectable non-Catholic publisher to make propaganda for the work among those whom it is intended to benefit in the first place. We notice that the author is also his own publisher, which fact necessarily limits the sale of the book. An experienced publisher would make such a volume somewhat lighter, bind it in flexible cover, change the title, and put the price at the lowest possible figure. Such a book should sell in great numbers.

**DE CURIA ROMANA. Ejus Historia ac hodierna Disciplina juxta Reformationem a Pio X inductam. Auctore Arthur Monin, J.C.L., in Universitate Catholica Lovaniensi Juris Canonici Professore Extraordinario. Lovanii excudebat Josephus Van Linthout. 1912. Pp. xx–394.**

The author divides his historico-canonical dissertation upon the Roman Curia into two main parts. In the first, which comprises 154 pages, he presents the history of the Roman Curia, tracing its origin and subsequent development. In the early ages of the Church the Sovereign Pontiff was accustomed to perform personally the various duties of the Holy See, using however, occasionally, the assistance of the clergy of Rome. Afterward, when the business of the Church had much increased, the Consistory was established to aid him in its government. In the sixteenth century when the ecclesiastical business was still more augmented, the Roman Congregations were instituted. The author describes with considerable detail (pp. 9-151) the various Congregations, Tribunals, and Offices which were established, and likewise the numerous alterations which these institutions have undergone during the more than three centuries since the Constitution, *Immensa,* of Sixtus V, until their reorganization in 1908 by Pius X. For this portion of the volume he draws chiefly from eminent writers such as Cardinal De Luca, Bangen, Bouix, and Philips, rather than from original documents of the Holy See.

The second part of the work (pp. 155-377) deals with the present status of the Roman Curia, as remodeled by the present Pontiff according to the Constitution *Sapienti consilio*. The author has evidently made a thorough study of this branch of his subject, and shows himself to be familiar with the numerous works which have been published within recent years upon the Roman Curia, among which may be mentioned chiefly the commentary on the *Sapienti consilio* by Leitner issued in 1909. The next year, Ojetti published a volume, *De Romana Curia;* while in 1911 Capello brought out his *De Curia Romana "Sede Plena"*. Other volumes, as well as many series of articles in various languages, dealt with the same subject-matter, the Roman Curia as reorganized by Pius X.

While the author of the volume under review has made excellent use of the commentators who preceded him, he does not hesitate on occasions to differ from them. The question (p. 248), whether the S. Congregation of the Sacraments possesses authority to decide upon the validity or invalidity of Matrimony has been variously viewed, some writers holding that cases of this kind demanded judicial treatment and could not therefore be settled by a Congregation which has no authority to decide questions judicially. Others, insisting upon the text (*Sapienti consilio*), have maintained that this Congregation possesses ordinary faculties for settling difficulties concerning the validity of Matrimony whenever such settlement would not involve judicial procedure. The author is in favor of this view and declares that the practice of this Congregation confirms it (p. 250).

One of the best handled topics in the volume is the chapter (pp. 191-194) "De ratione adeundi Sanctae Sedis Officia cum iisque agendi generatim." It touches a very practical question. Indeed, we wish that the writer had gone even farther and applied the solidity of his treatment to certain details of the questions. Many priests are acquainted with the special province of each of the Congregations and Tribunals, but when the occasion arises for making application to any of them, some experience difficulty in determining the form in which the petition should be expressed. If Dr. Monin had added, as he might easily have done, some formulas of petition to the Roman Congregations, the S. Penitentiary, and the S. Rota, the practical advantages of his work would have been much enhanced.

It would also be convenient for readers of this volume to have the text of the Constitution, *Sapienti consilio*, and indeed other Pontifical documents, such as the "Lex propria", "Normae communes", and "Normae peculiares", incorporated in it, so that the

exact words of the legislator might be seen at once without the need of consulting other commentators, such as Capello, Ojetti, and Leitner, who supply their readers with these texts of the Church's legislation upon the Roman Curia.

In the beginning of the volume the reader will find a useful bibliographical index under the following headings "Jura citata", "Auctores citati", and "Periodica citata". At the end of the volume there is appended a complete analytical index alphabetically arranged. Dr. Monin's work is certainly an important accession to the literature upon the Roman Curia, and many of the clergy will find in it numerous items of information not easily procurable elsewhere.

**INTRODUCTORY PHILOSOPHY. A Text-book for Colleges and High Schools. By Charles A. Dubray, S.M., Ph.D. New York: Longmans, Green & Co.**

**PRESENT PHILOSOPHICAL TENDENCIES. By Ralph Barton Perry. Same Publishers.**

**THE SCIENCE OF LOGIC. By P. Coffey, Ph.D. Same Publishers. Two volumes.**

Of books introductory to philosophy there are many types. Three such are here presented. While only the first on the list is so in name, the other two are likewise so in fact, though from variant viewpoints.

Dr. Dubray's *Introductory Philosophy* guides the student through the temple of philosophy, acquainting him with the edifice in all its departments, and familiarizing him with its principal contents. Whoso has mastered it will find himself at home therein and be perfectly oriented and equipped for further exploration. The author conceives philosophy to be "the science of the higher principles of things" (p. 8). But why "the higher" and not "the highest"?

*Modestiae causa*, just as good old Pythagoras, so the legend goes, refused to be called *sophos*, contenting himself with the modest appellative *Philos-sophiae?* We like still the old-time "scientia causarum altissimarum," for there is no rest for philosophy, human philosophy (of only such do we speak), until it has climbed the highest peak and seen its territory from the upmost summit.

But what are those "things", whose higher and highest principles it is the ambition of philosophy to explain and establish? The

answer to this question may best be seen by the aid of the following schematic outline:

Philosophical study of the
- real
  - world = cosmology;
  - man = psychology;
  - God = theodicy.
- transitional = epistemology.
- ideal
  - thought = logic;
  - expression = esthetics;
  - action = ethics.

The higher principles of the real, the ideal, and their interrelations in knowledge, these therefore form the subject-matter, the field of philosophy, to which the student is introduced.

In the traditional program of the philosophical curriculum logic usually occupies the first place, epistemology being included therein as material logic (critics, criteriology). The student advances thence through metaphysics general (ontology) and special (cosmology, psychology, theodicy) to the final goal, ethics. The basis of this order is obvious and solid. There are however some equally obvious and solid objections against it, and many writers, especially in France, have changed it considerably. Amongst these is the author of the work at hand. His arrangement is outlined as follows:

I. The empirical study of the self = 1. PSYCHOLOGY—
   (a) Cognitive consciousness = knowledge
   (b) Affective consciousness = feeling
   (c) Conative consciousness = activity and will.

II. The normative science—
   (a) of the intellect = 2. LOGIC
   (b) of the expression of ideals to arouse certain feelings = 3. ESTHETICS.
   (c) of will and action = 4. ETHICS.

III. The study of the relations of cognitive processes to the real world and hence a transition to the following = 5. EPISTEMOLOGY.

IV. Philosophical study—
   (a) of the world = 6. COSMOLOGY
   (b) of man = 7. PHILOSOPHY OF MIND
   (c) of God = 8. THEODICY.

V. (9) History of philosophy: 1. psychology, 2. logic, 3. esthetics, 4. ethics, 5. epistemology, 6. cosmology, 7. rational psychology, 8. theodicy, 9. history of philosophy. Such is the order of the program.

Its justification is manifest. While the mind does not ordinarily begin with self-scrutiny, it must in the pursuit of philosophy be dis-

ciplined therein. Moreover, an examination of the mind's procedure in the quest of consistency and truth, in other words the study of the ideal logical processes, supposes some familiarity with the real phenomena, the actual workings, of the mind. Hence the grounds for beginning philosophy with psychology instead of logic. The study of ideal thought (logic) leads naturally to the study of ideal expression (esthetics) and ideal conduct (ethics). From investigation into the subjective phenomena of mind, into that of the objective nature of the world, the soul, and God, the way naturally passes across the bridge between thought and thing, mind and object, a bridge which, if not laid, is secured, by epistemology, the science of knowledge. Finally philosophy in act is exhibited in its history. Rightly then should the study terminate with the history of philosophy. So much for the author's program.

A few words now as to the execution. Supposing it to be comprehensive in its matter, a text-book of philosophy should be (1) logically coherent in its essential as well as its integral parts or details; (2) lucid in its explanation and expression; (3) solid in its reasoning. These qualities stand out unmistakably in the book before us. The work from start to finish is an organic whole, a *totum per se*. It is in no sense a compilation, an aggregation, a *totum per accidens*. Its members throughout articulate, move easily, naturally, gracefully on their junctures. And this living coherence extends to every tissue and cell of the organism, showing how well the author has thought out and lived into his intelligence the system he has begotten. Begotten, not created; for, it need hardly be said, he has not evoked it "ex nihilo sui et subjecti."

The book embodies the essential Catholic philosophy, not, however, recast or "adapted" from Latin manuals, but assimilated, vitalized, issued through a soul and born anew. Developed too, "evolved", if you will, not into a new "species", but a new "variety", shaped and perfected by contact with the recent scientific environment. All that is permanent in "the old philosophy" is set forth in its strength. Nothing vital or essential is passed by, though the antiquated and worn-out is of course eliminated. Moreover, the important developments resulting from the experimental sciences are given their due place and influence in the philosophical system. Lastly the style is a model of lucid expression. Never verbose or diffuse, it is always clear. No student capable of studying philosophy at all will fail to understand the author's meaning. If the thought demand mental effort, this is as it ought to be; but it will not be the fault of the style.

Primarily intended as a text-book for use in college, it will prove a valuable instrument to form and strengthen the minds of our

Catholic young men and women, to help them to realize the solid foundations of truth that underlie and support the rational and therefore the theistic and consequently Catholic world-view, and the reasonable bases of morality, faith, religion, life. It will also prove a most desirable adjunct to collateral reading in the seminary course of philosophy, not supplanting, but supplementing in this respect, the excellent series of Stonyhurst Manuals. Moreover, the clergy who may desire (and what intelligent priest does not do so from time to time?) to review their philosophical studies will find in this clean-cut, solid, up-to-date manual a most available auxiliary.

Students schooled in "the old philosophy" will miss from the author's system the department of ontology. The material usually assigned to this branch of metaphysics is divided amongst other sections—psychology especially, and cosmology. This secures of course to some extent the elucidation of these fundamental notions, the groundwork of all science and philosophy. At the same time their supreme importance and the fact that they are so generally denied or ignored by non-Catholic systems would seem to make it desirable if not essential that they should receive separate and proportionate treatment. We might note that there appears to be some slight confusion of "analytic" with "immediate" judgments at pages 109 and 395.

One who has deepened and broadened his mental vision by the study of such a work as the foregoing, will find the process still further extended and perfected by perusing Dr. Perry's *Present Philosophical Tendencies*. He will here see philosophy at work in the minds of men to-day, in systems that differ *toto coelo* from his own. And in this respect will it help him, showing him at once his own strength as well as his limitations, and enabling him to estimate the opposite ways in which many gifted minds have interpreted our world of experience—minds naturally more gifted than his own, though devoid of the priceless heritage of the *philosophia perennis* which accompanies, because it underlies, the still more priceless heritage of Catholic theology.

Professor Perry's work cannot be called an "introduction to philosophy" in the usual sense of the term. Some seven years ago he wrote a book more aptly so entitled, *The Approach to Philosophy*,[1] a highly interesting and suggestive guide that points out the avenues leading up to the temple and indicates the chief characteristics of the interior. The standpoint and leading ideas embodied in the latter book are on the whole theoretically sound and prac-

[1] New York: Scribner's Sons. 1905.

tically sane. The same can be said of the work at hand. Dr. Perry, though (assistant) professor at Harvard, differs as widely from the elusively idealistic Royce, as he does from the brilliantly wayward pragmatist James. Professor Perry carries onward the saner realism, the "common sense philosophy", defended in a past generation by Porter and McCosh, and, substantially at least, still by Ladd and Ormond. His present work is a critique of naturalism, pragmatism, and idealism from the realistic standpoint. The student who has not the time or opportunity to familiarize himself with these contemporary tendencies of reflective thought by study of their sources, will be helped to whatever acquaintance may be desirable therewith by the clear analyses here presented. The author, it need hardly be said, is eminently just to his opponents. His positive statements are truly representative, whilst his criticism is perfectly objective, though frank and incisive.

The volume contains also a succinct but clear outline of Professor James's philosophy.

Though not caring to stand sponsor for every statement embodied in the book, the reviewer is gratified to find so much with which a student of Catholic philosophy can agree; and it is still more inspiring to him to meet in the defence of absolute truth against the insidious attacks from the side of naturalism, monism, and pragmatism, so uncompromising a champion as Professor Perry.

So much space has been given to the foregoing works that we must defer for another occasion Dr. Coffey's two splendid volumes on Logic. Books on Logic are not usually "splendid", but these are; and that too in every respect, outwardly, inwardly, quantitatively, qualitatively, materially, formally, in every way. It is a pleasure to recommend the two goodly tomes to professors and advanced students. They are not in style and method beyond the capacity of an intelligent *beginner*, but they might prove a strain on his courage. However, of this work more anon.

**THEODICY. Essays on Divine Providence. By Antonio Rosmini Serbati. Translated from the Milan edition of 1845. Three volumes. New York and London: Longmans, Green & Co. 1912.**

The essays here translated belong in part to Rosmini's *Opusculi Filosofici,* though they were subsequently collected under the title of *Theodicea.* The term Theodicy is taken literally (Justice of God), and indicates that the purpose of the book is "to vindicate the Equity and Goodness of God in the distribution of good and evil in the world". The erroneous judgments that men form regarding the

ways of Divine Providence are traced by the author to three principal causes: first, to the lack of logical knowledge, that is to a failure to measure the capacity of the finite mind for confronting such an infinitely vast and complicated problem. To meet this want the first volume at hand establishes the principles that must be followed in order to avoid the pitfalls into which the unguided mind inevitably stumbles. The second cause of error is the lack of physical knowledge regarding the working out of the cosmical order. The aim therefore of the second book is to show that, since every created nature is finite, he who would escape from certain evils should have to change that order and thus run the risk of incurring greater evils. The end of the cosmical system and its Author is not and cannot be objectively perfect, but a maximum result of good from a balance of good and evil—on the earth a broken arch, in the heavens a perfect whole. Lastly, the third cause of error is the lack of theological knowledge, namely, that the constant miraculous interference by God in the working out of natural law would contradict His wisdom and by consequence His absolute goodness. Against this erroneous conception of Providence the third book is directed.

That even these thousand pages, thought out by the brilliant intellect and poured forth from the devout soul of the great Italian philosopher, will suffice to solve the world-old mystery of pain and sin one may not venture to assert. That they logically vindicate God's ways with man and the universe, and that they will serve to enlighten darkened minds and comfort troubled hearts can safely be prophesied. And this surely suffices to justify their existence and to warrant their being recommended to intelligent readers, cleric and lay. The translation is modestly ascribed in a footnote to the "patient labors of Father Fortunatus Signini." "Opus laudat artificem."

**HANDBOOK OF THE HISTORY OF PHILOSOPHY.** By Dr. Albert Stöckl. Translated by the Rev. T. A. Finlay, S.J., M.A. Vol. I. New York and London: Longmans, Green & Co. 1911. Pp. 450.

**HISTOIRE DE LA PHILOSOPHIE.** Par Gaston Sortais. Vol. I. Paris: P. Lethielleux. 1912. Pp. 645.

**THE FIVE GREAT PHILOSOPHIES OF LIFE.** By William de Witt Hyde. New York: The Macmillan Co. 1911. Pp. 306.

The history of ancient, including herein the early Christian and medieval, philosophy possesses a distinctly intellectual or speculative, as well as a distinctly ethical or practical, interest. The two

aspects are of course not mutually exclusive, but rather inclusive, though withal sufficiently different to lend a character to individual works. Accordingly Dr. Stöckl's *Handbook* is dominantly, though not solely, expository and didactic. The same is true of Fr. Sortais' *Histoire,* while President Hyde's essays are primarily moral and idealistic.

Comparing Fr. Finlay's translation of Stöckl's well-known *Lehrbuch* with Professor Morris's version of Ueberweg's equally, perhaps better, known *Grundriss,* the relative merits of the two standard works appear at a glance. For distinct apprehension of the essentials of the pre-modern systems the former author is unsurpassed. For critical erudition and bibliographical apparatus the second writer should be given precedence. Both authors devote substantially equal space to the same subjects on the whole, though on special topics one is more comprehensive than the other. Compare for instance Stöckl on St. Thomas with Ueberweg on the same subject. Naturally of course the Catholic student will prefer the former author, especially for his account of Scholasticism. For the rest, the book is too well known to call for commendation here. Suffice it to say that Fr. Finlay has accomplished the difficult task of translating with singular success. The student will no doubt echo the hope that the second volume, on modern Philosophy, may not be long in coming.

Those who are familiar with P. Sortais' *Traité de Philosophie* (Paris, Lethielleux) will find in his recent *History of Ancient Philosophy* a worthy complement of that excellent manual. The method pursued in both works is the same. Synthetic tables present the leading outlines at a glance, and are followed by an analytical exhibition of details in clear-cut divisions. The plan is a model of didactic procedure that greatly facilitates the student's work, while the luminous style in which the succinct paragraphs are written "makes philosophy [almost] easy". The most noteworthy feature of the work, however, is its copious bibliography. In this respect it surpasses even Ueberweg, at least in the English translation of that author, the recent editions of the German original being much enlarged in their apparatus. Besides the special bibliographies attached to the individual sections there are supplementary lists covering some seventy-five pages. Another special feature deserving notice is the unusually large space devoted to the Renaissance (pp. 282 to 459), while the bibliography appended to this alone occupies some twenty-five pages. The student therefore finds himself almost embarrassed by the wealth spread out before him.

A second volume in course of preparation will treat the history of Modern Philosophy.

Dr. Hyde is concerned with illustrating certain dominant principles working in the ancient systems of philosophy. "The five centuries from the birth of Socrates to the death of Jesus produced five such principles: the Epicurean pursuit of pleasure, genial but ungenerous; the Stoic law of self-control, strenuous but forbidding; the Platonic plan of subordination, sublime but ascetic (!); the Aristotelian sense of proportion, practical but uninspiring; and the Christian spirit of Love, broadest and deepest of them all" (p. v). These are the principles—principles of personality. Dr. Hyde lets their "masters talk to us in their own words; with just enough of comment and interpretation to bring us to their point of view and make us welcome their friendly assistance in the philosophical guidance of life". Study of our Lord's teaching viewed simply as "a philosophy of life" shows that in its embodiment of love as the supreme and universal law are found the only adequate solutions of life's problems, the only secure norm for mind and heart and conduct. This of course is no new conclusion. However, it is attractively and suggestively drawn out and developed in the present volume.

While love is indeed the fulfillment of the law, love itself is tested only by obedience; and obedience involves subjection of the intellect to Christ's positive teachings. The Creed as the formulation of that teaching is the law of love as well as of faith. Dr. Hyde's ideas on this subject are somewhat confused, to say the least (pp. 241 ff.), but they are those with which everybody is familiar and they are not likely to do any harm.

It should be noted that the book is on the whole a reissue of an edition which appeared about eight years ago under the title of *From Epicurus to Christ.*

**LOS GREMIOS. By Estanislao Segarra, Abogado. Barcelona: Imprenta de F. Altes y Alabart. Pp. 395. Indice (tabulated contents).**

A Spanish advocate's analytical review of medieval guilds (*gremios*: corporations, Zünfte). Some emphasis is also to be attached to the author's expressed adjunct, *Abogado*; because his work not only presents a succinctly detailed study of guilds from their early Hellenic and Roman antecedents forward, but is also frankly a special pleading, or propagandist advocacy of "our institution", the medieval trade corporation. Its positive merits are commended, as they deserve to be; and not, perhaps, with un-

due bias, even in a declared "advocate" of his theme; whilst furthermore, the guild is upheld in challenge against all other economic modes of production, whether individual, communistic, or "corporate" in the sense of modern trusts and exaggerated monopolies. Dispassionate readers will probably concur with his general findings in favor of the guilds, and share his aspirations for a salutary reaction from our contemporary domination by monopolistic "infamies": yet one may not forget that it is not possible at will to reproduce this or that admired golden age of human affairs; *tempora mutantur et nos mutamur in illis.*

Catholics, indeed, might altogether gratefully welcome some genuine and practical recovery of that common religious background of faith and Christian ideals which pervaded medieval society, and ethically leavened its industrial exponent, the guild. In its best estate, the medieval guild was but an elaborated Christian family at work in shop or factory, whose conscientious "master" bore much the same "patriarchal" relation to his foremen, officers, craftsmen, and apprentices, as the father of an orderly household to his children and faithful servants. There was no shadow of such sullen or fermenting disaffection as too often mars the lot of modern "bosses" and their subjects or dependents. Restrictions on apprentices were hardly more stringent than those which everywhere govern the conduct of minors and subordinates with a view to their own good and public morality, in Christianized communities. Neither, in turn, did a medieval guild "patriarch" draw the fabulous emoluments nowadays proper to corporate magnates, trust presidents, vice-presidents, treasurers, directors. Under patronage of Our Lady and the Saints, observing the Calendar festivals and fast days, providing for special Mass in honor of the guild patron, and remembering the poor by particular bounties on such pious occasions, the guild officers would have stood aghast and confounded at the grade of salaries in vogue with modern corporation chiefs. The very notion, too, of a medieval Catholic boss, counting his gains by round hundreds of millions, while some passing depression in the market forced his workmen to strike in behalf of bare hand-to-mouth subsistence, would have moved the reflective conscience, forsooth, to deeds of signal penance, for in those days charity and justice were twin postulates of action.

The author of *Los Gremios* quite conclusively fixes the distinction that, whereas everything shaping the economy of a well regulated medieval guild tended to protect the consumer and safeguard the worth of the product, besides ministering to the welfare of the craftsmen and relieving accidental misery among the poor and unfortunate, everything devisable in the economy of modern mono-

polies inexorably strives to fatten the producer, irrespective of spurious quality in the product, or principles of equity in manipulating the market. After a studious analysis of the guilds and their development (more specifically in Spain, from the Visigoths down to the nineteenth century), several chapters are applied to a survey of modern industrial processes, both in Europe at large and in the United States; and there is a lucid outline of the national differences which modify trusts and monopolies in various countries.

Perhaps the most interesting chapter in the volume, despite the array of technical terms in it, is Chapter V: *El Arte*. As here considered, "art" broadly includes the entire domain of technical craftsmanship; wherein, to be sure, the medieval guild, even apart from Catholic conscience of execution, had a subjective advantage over modern machinery labor. There was immensely richer incentive to pride of artistic excellence where each workman wrought according to trained ideals of perfection, instead of mechanically, or as mere feeder and attendant in connexion with automatic processes, little or nothing dependent on his native bent and faculties. As is naturally to be expected in a Spanish survey of the guilds, we find large space reserved for wool and leather products, the silversmith's trade, and the multitude of ways and means employed in maintaining the renown of Spanish markets, at home and abroad, for articles in those branches of commerce. For illustration of the importance of wool and leather alone, we are told that the Spanish flocks, in the sixteenth century, numbered 30,000,000 sheep, besides 7,000,000 migratory sheep (of nomadic habits for change of pasture, winter and summer). Even where modern progress has hugely distanced medieval rudiments, as in printing facilities, the author justly notes the point that a select Elzevir still nowadays prompts respectful attention; let alone the disastrous fate awaiting modern wood pulp paper, which threatens to perish while antiquarian Elzevirs remain freshly intact whole centuries hence. A vile heathenish sneer by apostate Renan, to the effect that your consistent Christian despises beauty, out of homage to a macerated Culprit, "suspended by four nails", impels the author to eloquent defense of "the first painter in the world, our Velasquez."

Those who depreciate the Middle Ages as landmark eras of ignorance and corruption, ought to study the merely moral virtues everywhere cultivated, prized and fruitful, in the guilds at their best estate; since, notwithstanding the pretensions of rationalistic sociology, the guilds exhibited a high level of reverence toward God, of charity and honesty toward man, putting modern reformers to the blush for their feeble achievements in contrast

with social conditions where the guilds normally flourished. If there were few "colossal" fortunes, neither were there slums of tenement squalor; and the scale of wages indicated a purchasing value so much as twice to four times that of monopoly wages today: this, in Spain, at least. The working hours were usually twelve, but this included an allowance of three hours for meals, leaving nine hours net; and holidays, of course, were far more frequent. Medieval society knew little of nervous high pressure, nor feverishly struggled for anxious to-morrow. Yet there was ample solidity and stability of living; and which of our sky-scraper American cities, peradventure, will survive so fairly secure against the wear and tear of time, say by A. D. 2300, as Nuremberg, Gothic Toledo, Rouen, medieval remnants of Paris and Brussels, from 1500 to 1900. For that matter, the old Spanish mission structures, firmly surviving many shattered modern edifices after Californian earthquakes, are no mean apology for medieval Catholic "traditionalism". Pope Leo XIII endorsed a return to the guild in solution for current labor troubles, inordinate monopolies, intermittent surfeit and famine of production; only, one must needs realize the appalling obstacles to Church corrections in modern society, through breach of Catholic unity, waste and contempt of Christian forces under the twofold assault of overt unbelievers and quicksand relaxations consequent upon Protestant schisms never ceasing.

# Literary Chat.

The cheaper reissue by the Macmillan Co. of Dr. John Ryan's *A Living Wage* places within the reach of even the most impecunious this thoughtful and timely study of one of the most vital problems of present economic organization. The clergy interested in the wage question are doubtless familiar with the work. The small price ($0.50) at which it is now republished (and in style and material not inferior to the original issue) will enable them to spread the book amongst intelligent laymen and women and thus help to disseminate true ideas concerning the relations of ethics to economics.

Such hazy as well as erroneous conceptions of *rights* prevail these days that there can be no solution of the wage question without a broader diffusion of the truth concerning this fundamental idea. Not the least meritorious portion of Dr. Ryan's little book is the chapter on the basis and justification of rights. In a simple straightforward style he there lays down the philosophy of the juridic claim, the "facultas moralis in rem suam," and thus establishes an unshakable groundwork for the ethics of the wage question.

We have previously called attention to the *Studies in Social Reform* issued by the Catholic Social Guild in London. They are well written, thoughtful, and timely monographs, and can be had in their neat make-up through Herder (St. Louis) at two dimes each. Of the two numbers published, the first deals

with the difficult problems of destitution; the second with sweated labor. In the latter, good use is made of Dr. Ryan's *Living Wage.*

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Story books for children are hardly less serviceable allies to pastoral activity than are brochures on economics. Perhaps, too, they are more difficult to find, or at least to select. *Told in the Twilight* is a collection of some fifty tales most of which are tellable as well as readable. When we have said that they are made up (?), no, told, by Mother Salome, we have said enough to assure the priest that he may *spe felicis exitus* put the book into the hands of small boys and girls (Benziger Brothers).

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"Jinks" was just a little gutter waif, but somewhere near his middle there was a spot that not even all the mud, physical and moral, of Paradise Alley could keep from breaking out on the surface now and again; and when Jinks once came to recognize "the inside" of him, "the God-spark radiating into his consciousness", he held on to it, nourished it till it grew warm and bright, —when it became a lamp to his feet that never faltered along whatever way, howsoever rough and thorny, it led him. All this is charmingly told by Harriet Hobson in a somewhat recent book entitled *Jinks' Inside* (Philadelphia, Jacobs & Co.). The characters of Jinks and Sis; Jinks's waking-up to his "inside", and Sis's pluck in fight and right are well drawn and sustained. Peter Flanagan, the big and rich grocer, also finds his "inside" and it leads him to deeds of beneficence both beautiful and enduring. *Jinks' Inside* is a book that tells the story of the poverty and misery that stalk within the shadow of princely mansions—tells it graphically, but naturally. There are smiles and tears, vivid realism touched by noble idealism in this book, which grips you tight and holds you so to the finish.

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One always finds it worth while to glance over at least, but better still to study, the pages of the Italian bi-monthly *Rivista di Filosofia neo-Scolastica.* The *neo-* and the *scolastica,* the new and the old, are sure to be found blending harmoniously and supplementingly in its programs. One recognizes the mind of an *editor* back of it, a mind for organic unities and not simply for mechanical connexions. Happily, too, the *Rivista* is in the hands of a publisher who knows how to give good shape and neat appearance to worthy contents (Florence, Editrice Florentina).

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*The Dark Beyond* is a short treatise on the reality of hell and the paths that lead thereto.

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The first book to treat of politeness, good breeding, and good manners is said to have been issued by the Bishop of Benevento in the sixteenth century, and Lord Chesterfield is supposed to have made good use of the volume in formulating his rules for polite society. Dean O'Brien, of Kalamazoo, has induced the Sisters of St. Joseph, who are directed by the rule of their Institute to teach their pupils politeness, to write a little brochure under the title of *Politeness.* It is a part of pastoral care which it is wise to cultivate, and it is this feature of the small booklet which strikes us as most important in showing the interest of the priest who uses the adjuncts of social training to perfect the work of religion.

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*Entretiens Eucharistiques* by the Abbé Jean Vaudon is now published in a new and improved edition (Pierre Téqui, Paris). It is meant especially for priests, and besides reflections on the sacerdotal life in reference to its central interest, the Blessed Sacrament, the volume contains a number of discourses suitable for the first Mass of a newly-ordained priest. The book has been quite popular before and will be more so with the additions.

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There are two volumes now published of the five contemplated for the completion of *The Beauty and Truth of the Catholic Church* by the Rev.

Edward Jones. The work is a translation from the German, but made with due discretion so as to keep the English idiom free from the peculiarities of expression and imagery to which the German language lends itself. It is highly praised in the Introduction by Archbishop Ireland. The author does not apparently follow any special line of catechetical development, but treats of dogma, liturgy, and devotion, in a popular form. (Herder.)

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The *Dominican Mission Book* is a practical manual of devotion, compiled, as its name indicates, from sources chiefly Dominican, such as St. Thomas and Blessed Henry Suso. It has several methods of devotion for the Holy Hour, devotions to the Holy Ghost, etc., and gives particulars regarding the various Dominican Confraternities. (Benziger Brothers).

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*With God*, a book of prayers and reflections by the Rev. F. X. Lasance, to whom we owe many good devotional manuals, prepares the way to habitual meditation, and at the same time furnishes all sorts of practical directions for spiritual and missionary work. It is a good vade-mecum for the parish priest, and very useful in the sacristy, since it contains the various novenas, litanies, hymns, blessings, the method of giving the "pledge," etc. A good index adds to its usefulness. (Benziger Brothers.)

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The volume of *Meditations for Every Day in the Month* by Fr. Francis Nepveu, S.J., though a translation from the French, is thoroughly practical, and, we may say, an exceptionally good setting forth of the traditional themes for reflection. The volume is handy, the language concise, the print good, —which is saying much for a meditation book.

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Of handsome manuals that serve as aids to devotion before the Blessed Sacrament, there is now no dearth. *Come, Let Us Adore*, a Eucharistic prayer book compiled by the well-known Franciscan Father Bonaventure Hammer, contains Instructions on the Blessed Sacrament, a Triduum of Meditations, Prayers especially for Holy Communion, Indulgenced Devotions, and a series of thirty visits to the Blessed Sacrament by St. Alphonsus. (Benziger Bros.)

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Another manual, constructed on a somewhat different plan and consisting chiefly of meditations under the title of *Eucharistic Soul Elevations*, is by Father William F. Stadelman of the Holy Ghost Fathers. It deals also with the motives for frequent Communion and dissipates the scruples which are often experienced by devout souls in regard to the daily reception of the Bread of Life. This is not a very recent publication; though that does not lessen its value. (Benziger Brothers.)

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*Communion Prayers of the Saints*, compiled by the Redemptorist Father Peter Geiermann, assembles within a handy compass the considerations and affections that serve as preparation and thanksgiving for Holy Communion. They are chiefly drawn from St. Alphonsus, with devout aspirations from the writings of St. Francis de Sales. (B. Herder.)

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A charming little Spanish manual, consisting of reflections upon the dignity, duties, and the right manner of the clerical life, is *Mision Sacerdotal* by Padre Eutimio Tamalet, a member of the Congregation of the Sacred Hearts and of Perpetual Adoration of the Blessed Sacrament. The sublimity of the priesthood, its need for the purifying and enlightening of the world to-day, the requisite qualities for its right fulfilment, and the means, are set forth in certain practical rules of life, mainly for seminarists. The second part, "Directorio Pastoral," speaks of the priestly life in the parish, in the church, in the world at large, and is full of thoughtful suggestions for pastoral activity. (B. Herder.)

Stay-at-homes who were able to make a 'round-the-world tour by the aid of Fr. Roche's letters as they appeared serially "in a half-dozen Canadian and American newspapers", can renew the pleasures of the journey by means of the compact volume wherein those letters are now permanently collected (*Around the World.* By the Rev. J. T. Roche, LL.D. New York, P. J. Kenedy & Sons). The letters deal with the essentials—with human beings more than with things and with vital problems, religious, social, economic, not with the "canned" goods of the guide book; hence their value and their interest. A new edition will give opportunity to correct some "infelicities" of the types, such for instance as "Pneumonic plague" for Bubonic (pp. 206 and 211); "moonsoon" for monsoon (p. 198); "ghastly" for beastly (p. 199), and others.

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Lourdes is first and last a hallowed spot, a sanctuary. None the less, however, is it a scene redolent of beauty upon which the imagination may feed forever, a centre of marvels from which fancy may take its flight in dreams that can never be so strange as the reality. The charming story that has recently been woven out of the material supplied by Dr. Boissarie's *L'Œuvre de Lourdes,* and entitled *The Unbeliever, a Romance of Lourdes,* blends all the colors of a chaste literary art with the facts of the history of the Pyrenean sanctuary. The facts are the restoration to health of a young girl suffering in the last stage of consumption, the restoration to health and conversion of a paralytic who had also been a blasphemer almost to the moment of his receiving the boon of health, and lastly the singular conversion of an infidel. These facts, together with some others belonging to the history of Lourdes, are gracefully woven into a romance whose interest wins and holds the reader on to the end. The story is written by "a non-Catholic", and with the sole aim of giving an honest account of the impression Lourdes and its miracles can make, even on an "unbeliever". How the author could remain a non-Catholic, after having once accepted the evidences and motives of faith accumulated in the book, is not easy to understand, although the story itself presents incidents that help to make the problem less perplexing (London, Washbourne; New York, Benziger Brothers).

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